



NOTICE OF MEETING
Cochise County, Planning and Zoning Commission

March 14, 2012 at 4:00

Cochise County Complex
Board of Supervisors, Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

AGENDA

1. 4:00 P.M. - CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

- 2. ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
- 3. CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda).

4. APPROVAL OF PREVIOUS MONTH'S MINUTES

5. NEW BUSINESS

Item 1 – (Page 1) Introduce docket and advise public who the applicants are.

NOT A PUBLIC HEARING, Docket S-05-05 (La Marquesa Conservation Subdivision Tentative Plat and Waiver Extension):

This request is for approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat and consideration of a tabled Waiver from the Residential Conservation Subdivision Requirement for a water company. The Tentative Plat was approved by the Board of Supervisors on February, 5, 2007, and has been extended three times. The current Tentative Plat extension expired on February 5, 2012. The Developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of

Monsoon Consultants in Tucson. The subdivision is a 103-lot Residential Conservation subdivision located on 317 acres zoned RU-4 (Rural; one home per 4 acres).

The parcel is located on the north side of Three Canyons Road in Hereford, about one mile east of Highway 92.

Item 2 – (Page 9) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket Z-12-01 (Hodai): The Applicant requests to downzone two parcels of land from TR-36 (Residential, 1 dwelling per 36,000 square feet) to RU-4 (Rural, 1 dwelling per 4 acres) in order to qualify for the Owner-Builder amendment to the County Building Code.

The property subject to the request (Parcel Nos. 401-37-262 and 263), which are undeveloped and unaddressed, are located generally ¼ mile East of Rancho Del Sol Road and ¾ mile South of Austin Henley Road, near Elfrida, AZ. The property is further described as being situated in Section 30 of Township 19, Range 27 of the G&SRB&M, in Cochise County, AZ. The Applicant is Bo Hodai.

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors meeting at the same location as the Commission meeting).

Item 3 – (Page 24) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket SU-12-02 (Casanova): The Applicant seeks Special Use authorization from the Planning and Zoning Commission in order to establish a Motion Picture Studio, allowed as a Special Use in the Rural (RU-4) District per Section 607.19 of the Zoning Regulations. The proposal is for a full-sized, professional movie production operation on the 135-acre parcel, and would include an old west town site, other outdoor set areas, a commercial parking area, staging areas for equipment and production trailers. The subject property (Parcel No. 130-91-00F) is located at 5031 W. Althaus Lane in Double Adobe, AZ. It is further described as being situated in Section 12 of Township 23, Range 25 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Chris Poulos and Tony Casanova.

Item 4 – (Page 54) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket Z-12-02 (Jones): This is a request to rezone a parcel of land from TR-18 (Transitional Residential, one dwelling per 18,000 square feet) to GB (General Business). The subject property (Parcel# 403-23-008) is approximately 24,786.34 square feet (.057 acres) in size. It is located at 10391 North Highway 191, Elfrida, AZ. The property is further described as being in Section 15, Township 20 South, Range 26 East of the G&SRB&M in Cochise County, Arizona. The Applicant is Mary Jones.

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors meeting at the same location as the Commission meeting).

Item 5 – (Page 74) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket SU-12-01 (Ritenour): The Applicant seeks Special Use authorization to establish and operate a powder coating business in a General Business Zoning District, per Section 1205.01 (Manufacturing) of the Cochise County Zoning Regulations. The Applicant proposes to use an existing 1,500 sq.-ft. tenant space on a half-acre parcel (parcel no. 106-70-111) located at 689 W. Fry Blvd. in Sierra Vista. The property is further described as being in Section 34, Township 23 South, Range 21 East of the G&SRB&M in Cochise County, Arizona. The Applicant is Mr. Zane Ritenour.

6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS

7. CALL TO COMMISSIONERS ON RECENT MATTERS

8. ADJOURNMENT

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.



COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
February 8, 2012

Cochise County Complex
Board of Supervisors, Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Lynch at the Cochise County Complex, 1415 Melody Lane Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

ROLL CALL

Chair Lynch noted the presence of a quorum. He instructed the Commissioners to indicate their presence and their respective Districts.

- 1. Present:** Mr. Jim Martzke, Mr. Jim Lynch, Mr. Ron Bemis, Ms. Pat Edie, Mr. Raul Montano, Mr. Dan Abrams, and Mr. Gary Brauchla
- 2. Absent/Excused:** None

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mr. Bemis moved to approve the minutes as mailed, Mr. Martzke seconded, and the motion passed 5 – 0, with Mr. Brauchla and Lynch abstaining.

Motion: Approve the minutes of the January 11, 2012

Action: Approve **Moved by** Mr. Bemis, **Seconded by** Mr. Martzke

Vote: Motion passed (**summary:** Yes = 5, No = 0, Abstain = 2)

Yes: Jim Martzke, Jim Lynch, Ron Bemis, Pat Edie, Raul Montano

No: 0

Abstain: Dan Abrams and Gary Brauchla

CALL TO THE PUBLIC

Chair Lynch opened "Call to the Public," and seeing none who wished to speak, closed the same.

NEW BUSINESS

PUBLIC HEARING, DOCKET SU-08-10A (Walnut Gulch) – This item was a request to modify an approved Special Use Permit for a private airstrip. The Applicant had asked to have the modification request tabled until a time certain (February 8, 2012). In January, the Applicant informed staff of his intent to withdraw the request. As this item was scheduled for Commission action at the February 8, 2012 meeting, staff recommends the Commission remove the item from the table and allow the application to be withdrawn.

Chairman Lynch called for the Docket, indicating that the Applicant had withdrawn the request while the item was tabled. He stated that as it had been withdrawn no action was required for this Docket.

DOCKET S-11-01 (King's Ranch at Coronado Waiver Request) - This is a request from King's Ranch, LLC, the Owner of the Kings Ranch at Coronado Subdivision, for a Waiver from Section 603.03 of the Subdivision Regulations.

Chairman Lynch called for the Docket. Interim Planning Manager Beverly Wilson presented the Docket on behalf of the Planning Director. She began with a brief explanation of the difference between a subdivision and other typical dockets, notably that subdivisions are not subject to public hearings, but are rather allowed by right provided that all subdivision regulations are met.

Ms. Wilson explained the facts of the case, including the history of King's Ranch at Coronado in previous iterations. She indicated that this was proposed as a Conservation Subdivision and said that this was the first such subdivision type seen by the County. Two amendments and name changes had taken place since the original 2006 plat. After explaining the basic facts of the subdivision, including overall size, open space dedication, number of lots and etc, she explained the particulars of the current request. The developer has asked to change the roads from being private to public, and to be maintained by the County. The developer also proposes to dedicate approximately 11 acres for storm water recharge, and to develop 19 lots beyond what was proposed in the last iteration. She then explained the facts surrounding a grant-funded storm water recharge project, of which the proposed 11-acre dedication is to be a part. She further explained some of the anticipated benefits to the County as a result of this grant.

Using maps and other visual aids, she then indicated the areas to be dedicated on the King's Ranch at Coronado Amended Plat.

She presented a number of photos displaying the site, and offered a staff recommendation of approval of the waiver for the requested density bonus.

Mr. Bemis then asked Ms. Wilson if any federal dollars would be involved in the grant. Ms. Wilson asked Karen Riggs, County Engineer, to approach the podium to answer the question. She stated that no federal dollars were involved in the grant project.

Mr. Lynch then declared the public hearing open and asked if the Developer, Michael Cerepanya, wished to speak. He indicated his preference not to speak unless needed, whereupon the Chairman declared the public hearing closed.

Mr. Lynch then asked as to the methodology behind the project and how it was to be conducted. Ms. Riggs briefly explained the methodology behind the project.

Mr. Lynch then asked for a recommendation, and Ms. Wilson recommended the Commission forward to the Board of Supervisors with recommendation of approval. Martzke 1st Edie 2nd.

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors meeting at the same location as the Commission meeting).

Motion: Forward to BOS with recommendation of approval, **Moved by** Jim Martzke, **Seconded by** Pat Edie.

Motion: Forward to BOS with recommendation of approval

Moved by Mr. Martzke, **Seconded by** Ms. Edie

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Dan Abrams, Raul Montano, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

PUBLIC HEARING, DOCKET R-11-08 (Bylaws and Ordinance): The Commission will continue to review, update, and suggest revisions to the Bylaws and Rules of Procedures for County Planning and Zoning Commission, Cochise County, Arizona. The Commission will also review and may possibly make recommendations to the Board of Supervisors to update the County Planning Commission Ordinance, dated November 20, 1969.

Mr. Lynch opened the discussion by indicating this was to be the third discussion of the Commission Bylaws. He explained to the Commissioners the various drafts that they had before them, and that these were a result of months of deliberations, editing, and multiple drafts. Included also was a summary of the proposed changes and a copy of the draft Ordinance. He said that if the Commission was satisfied they could vote to forward these to the Board of Supervisors for approval.

Mr. Lynch invited the Commissioners to comment on the Bylaws and Ordinance. Seeing none, he called for a motion.

Motion: Forward Bylaws and Ordinance as written to Board of Supervisors for action., **Action:** Approve, **Moved by** Ron Bemis, **Seconded by** Jim Martzke. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Dan Abrams, Raul Montano, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS

Mr. Turisk offered a brief list of the upcoming planning Dockets for the March 14, 2012 meeting. These included a manufacturing SUP, a motion picture studio SUP, a downzoning near

Elfrida, and a rezoning to General Business in Elfrida. Mr. Turisk also indicated that the Commission would entertain a request to extend the La Marquesa Tentative Plat. Mr. Lynch asked if Mr. Carlos De La Torre had anything to add to the report; he indicated he had nothing to add.

Mr. Lynch explained to the Commissioners that they each had a County email account to be used for County business. He said that each Commissioner had an envelope before them, in which their respective account logins and passwords were to be found.

Mr. Brauchla asked if this meant that all County-related emails would be routed into these inboxes, and Ms. Wilson said they would be.

Mr. Lynch asked the Commissioners their preference as to how best to conduct a "quorum call." It was decided that personal email accounts would be the preference of the Commission, and that phone calls would be the back-up plan if needed.

Mr. Bemis asked if Ms. Wilson was the point-of-contact for problems with the County email, and she said yes.

Mr. Bemis moved to adjourn. Mr. Abrams seconded, and the motion passed unanimously. The meeting was adjourned at 4:30 p.m.

ADJOURNMENT: 4:30 p.m.

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

TO: Cochise County Planning and Zoning Commission

FROM: Beverly Wilson, Senior Planner *bw*
For: Carlos De La Torre, Community Development Director

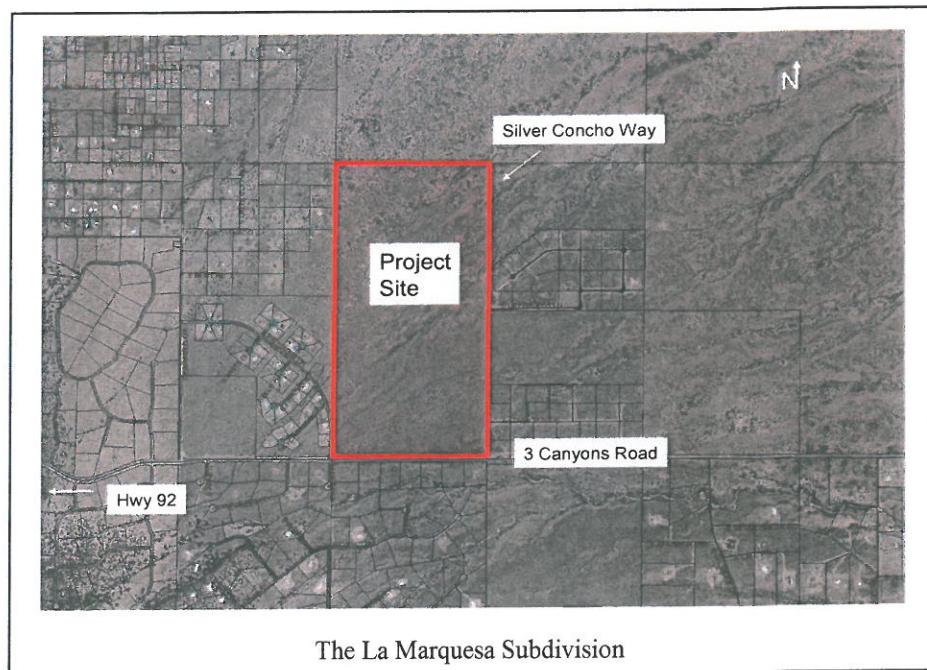
DATE: February 28, 2012 for the March 14, 2012 Meeting

SUBJECT: S-05-05, La Marquesa Subdivision, Parcel 104-01-011R in Hereford, AZ.

I. NATURE OF REQUESTS

This request is for approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat and consideration of a tabled Waiver from the Residential Conservation Subdivision Requirement for a water company. The Tentative Plat was approved by the Board of Supervisors on February, 5, 2007, and has been extended three times. The current Tentative Plat extension expired on February 5, 2012. The Developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of Monsoon Consultants in Tucson.

The subdivision is a 103-lot Residential Conservation subdivision located on 317 acres zoned RU-4 (Rural; one home per 4 acres). The parcel is located on the north side of Three Canyons Road in Hereford, about one mile east of Highway 92.



The Tentative Plat (TP) was approved with a waiver from the 50% conservation area requirement, which allowed a 30% density bonus with only a 44% conservation area within the

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subdivision; 140 acres would be dedicated as a conservation easement. The minimum lot size is 2.8 acres. Without the density bonus, approximately 79 lots could be developed on the 317-acre site, as the property would have to meet the one dwelling per four acre requirement for the RU-4 District. General Note Number 22 of the TP notes that the subdivision will be served by the Bella Vista Water Company.

II. BACKGROUND

At the time the TP was approved, the 2004 version of the County Subdivision Regulations was in effect (Adopted 6/22/2004 by Resolution 04-41). The applicable provisions for Residential Conservation Subdivisions are noted below and remain in the currently adopted version of the Subdivision Regulations (last revised 6/10/2008 by Resolution 08-45).

"603.02 Description of a Residential Conservation Subdivision

- A. A minimum of fifty (50) percent of the site shall be conservation areas. If the subdivision is proposed to be done in phases, conservation areas for each phase shall be fifty (50) percent. Conservation areas are intended to conserve, in perpetuity, resources that might otherwise be permanently altered by development. These areas shall comprise no less than 40 acres for one subdivision.
- B. In zoning districts with a minimum lot size of 36,000 square feet or greater, a thirty-four (34) percent density bonus is provided so long as the subdivision complies with the design and improvement requirements of this Article.
- C. In zoning districts with a minimum lot size of 36,000 square feet or greater, a fifty (50) percent density bonus is provided, so long as the subdivision is provided with: a water utility company; a sewer system designed for effluent recharge and/or re-use; fire protection, and complies with the design and improvement requirements of this Article.
- D. Lot sizes are flexible and do not need to meet the minimum lot size of the zoning district except that the minimum individual lot-size must conform to requirements for sewage disposal, water distribution systems and fire protection described in Article 4.
- E. Density bonuses cannot be applied to areas within a previously-approved master development plan."

Both the 2004 and the current County Subdivision Regulations state in Section 408.02 that subdivisions within the Sierra Vista Sub-watershed Water Conservation Overlay District shall be served by an ADEQ-approved water company:

"Unless otherwise specified in these regulations, applicants shall ensure that water is available from a County or Arizona Department of Environmental Quality approved water delivery system to each and every subdivided lot of less than one (1) acre (43,560 square feet) in size. ***In the Sierra Vista Sub-watershed Water Conservation Overlay District, this provision shall apply to subdivisions where the average lot size is five acres or smaller and 28 lots or more are proposed.***"

The Board of Supervisors approved the TP and waiver on February 5, 2007, with the provision that the subdivision would be served by a water company rather than individual wells. It is important to note that the reason for the compromise was to facilitate improved water conservation for the subdivision, which lies within the Sierra Vista Sub-watershed.

Request for Waiver from Residential Conservation Subdivision Requirement for a Water Company

Subsequent to the TP approval, Mr. Kirk requested a waiver from the General Note 22 which states that the subdivision would be served by the Bella Vista Water Company.

On June 11, 2008, the Planning and Zoning Commission considered Mr. Kirk's request for a waiver from Section 408.02 requiring a County or ADEQ approved water delivery system to allow individual wells. The Commission did not support Mr. Kirk's request for a waiver, stating that lots served by a water company which would meter the water lines to each lot and charge for water use would result in greater water conservation than lots served by individual wells. Mr. Kirk asked the Commission to table his request for a year so he could provide the Commission with additional information as to how he would design a well system with comparable or better water conservation measures. Mr. Kirk hoped to demonstrate that lot/homeowners with individual metered wells would conserve water as much as, or as well as, lot/homeowners with metered service from a water company. The Commission granted the request, and tabled the waiver request. Since that time, the Developer has not provided the Commission or staff with the information needed to evaluate the water conservation efficacy of individual metered wells versus metered water company service. The Commission has considered this request again in January of 2010 and December of 2010—it was tabled at both meetings. It is currently tabled to a 'time uncertain'.

Previous Request for a Time Extension on the Tentative Plat

Section 208.A of the Cochise County Subdivision Regulations states that Tentative Plat approvals are effective for a two-year period. Section 208 also states:

C. The Planning Director may grant one (1) one-year time extension upon written request by the Developer if:

1. The applicant demonstrates substantial progress towards final plat approval; and
2. The subdivision is in conformance with current County regulations or the developer agrees to conform to current regulations.

D. Additional one-year time extensions must be approved by the Planning and Zoning Commission.

E. Extensions shall be accompanied by the fee set out in the Planning Department Fee Schedule."

On December 11, 2008, at the request of Mr. Kirk, the Planning Director approved a one year time extension of the TP from the February 5, 2009 expiration date to a new February 5, 2010 expiration date. The approval was conditioned with the same conditions as the original TP approval:

1. The Final plat shall be in substantial conformance with the tentative plat and meet all the requirements for final platting as stipulated in the current Cochise County Subdivision Regulations; and the original conditions as approved which are copied below for your convenience.
2. Prior to final plat approval:
 - a. A note on the plat indicating required maintenance of drainage structures by the Homeowners Association.
 - b. The final plat should include proper recording information for Silver Concho Way and Three Canyons Road.
 - c. The final plat should depict the location of fire hydrants every 1000'.

- d. The easements for riprap at drainage structure outlets should be clearly labeled to show purpose.
- e. Legal description should be revised to fix discrepancy in the description of east line of the subdivision's boundary which does not go to the mid-section line.
- f. Per Rural Addressing, the street names S Alta Mira LN and S Aragon CT will be reversed on the plat.
- g. Applicant must secure a determination of water adequacy from ADWR.
- h. An approved and legal conservation easement document shall be completed and recorded with the final plat.
- i. Improvement plans shall be substantially approved and should include all traffic signs, including the required warning sign, per H&F variance approval, for affected curves.

In January of 2010 and December of 2010, the Commission voted unanimously to approve a one-year extension to the Tentative Plat with a new expiration date of February 5, 2012. The Tentative Plat is currently expired. As previously discussed, the Commission also re-tabled the waiver request both times.

Current Request for Time Extension on the Tentative Plat

Mr. Kirk is again requesting a one year time extension for this Tentative Plat. He has cited the difficult economic situation that has existed in the real estate market, for the past several years. His current request, if approved, would extend this Tentative Plat to February 4, 2013.

III. ANALYSIS

Water Company Waiver/Deletion of General Note 22

The Developer states that he continues to negotiate with the Bella Vista Water Company to provide potable water service to the project. The land lies within the service area of the Bella Vista Water Company and an on-site, competing water company would not be approved by the Arizona Corporation Commission. The Bella Vista Water Company is now a subsidiary of the larger Algonquin Water Company and the Developer has stated that the cost to extend service to the subdivision is great and onerous; he prefers to sink individual metered wells on lots.

As a reminder, the La Marquesa subdivision is 103 lots and the minimum lot size is 2.8-acres. The water provider provision in the Sierra Vista Sub-watershed Overlay District was adopted because it has been demonstrated that households using a water provider/water company that meters water usage and prices water use by volume, rather than their own well, have an incentive to use less water because they get a monthly water bill. Water companies can also establish pricing such that households that conserve water and use less than an established base volume can be charged less than households who do not conserve water. The La Marquesa TP General Notes 29 and 30 require dual-system evaporative coolers and drip irrigation with seasonal water conservation controls. However, these measures, without a water provider/water company which meters and prices water per volume usage to reduce per-lot usage, do not result in reduced water use below that with a water provider/water company that meters and charges for water use.

Therefore, staff does not recommend approval of water company waivers and the deletion of General Note 22 which states that the Bella Vista Water Company will serve the subdivision.

As for the Tentative Plat extension, the Department does support the Developer's request to extend the La Marquesa Tentative Plat for an additional year.

IV. STAFF RECOMMENDATION

1. Staff recommends that the Commission make a Motion to remove from the Table the June 11, 2008 agenda item related to the request by Mr. Kirk for a waiver from the Subdivision Regulations requirement for potable water service to be provided by a water company to the La Marquesa subdivision.
2. Staff recommends that the Commission deny the waiver to allow individual water wells to serve lots within La Marquesa Subdivision. By denying the waiver, General Note 22 would remain and the Bella Vista Water Company would serve the subdivision.
3. Staff recommends conditional-approval of the one-year time extension for the subdivision Tentative Plat, to expire on February 5, 2013; the conditions to be the same as for the original Tentative Plat approval on February 5, 2007.

The Department's recommendations are based on the following:

1. That the Board previously granted a waiver to the Subdivision Regulations, allowing the Residential Conservation Subdivision density bonus with a reduced open space requirement (44% rather than the required 50%) on the understanding that a water company would provide water to the development, and;
2. The project site is within the Sierra Vista Sub-Watershed. As of this date, the Developer has not provided information outlining how the proposed alternative to water company service would achieve the same or better level of water conservation efficacy as a water company. In the absence of such data, staff's position is that a metered water utility service is a more effective means of promoting water conservation.

Suggested Motions

Mr. Chair, I move to remove from the Table Docket S-05-05 request for a waiver from the requirement for a water company serving La Marquesa Residential Conservation Subdivision.

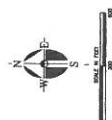
Mr. Chair, I move to approve the June 2008 request by Mr. Kirk to recommend to the Board of Supervisor a modification to the Tentative Plat of La Marquesa subdivision, Docket S-05-05, to delete General Note 22 in favor of allowing individual metered wells to provide potable water to lots.

Mr. Chair, I move to conditionally-approve a one-year time extension for La Marquesa Subdivision Tentative Plat, Docket S-05-05, with a new expiration date of February 5, 2013, and with the same conditions as the February 5, 2007 approval of the Tentative Plat.

Mr. Chair, I move to Table the request for a waiver from the requirement for a water company serving La Marquesa Residential Conservation Subdivision, Docket S-05-05.

V. ATTACHMENTS

- A. La Marquesa Subdivision Tentative Plat Sheet 1
- B. Extension Request



GENERAL NOTES

[illegible][illegible]

SURVEYORS CERTIFICATE

HEREBY CERTIFY THAT THIS TENTATIVE PLAT, CONSISTING OF EIGHT (8) SHEETS, REPRESENTS A SURVEY BY ME OR UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND THE LEGAL DESCRIPTION SHOWN HEREON DO CORRECTLY REPRESENT THE LAND BEING SURVEYED.

DATE _____
LLOYD L. EICHELBERGER, RLS NO 11845

LIST OF SHEETS

- 1 COVER SHEET
- 2 ROADWAY TYPICAL SECTIONS
- 3 TENTATIVE PLAT SHEETS
- 4 SOIL EVALUATION TEST DATA
- 5 ROADWAY GEOMETRY \ LOT AREA DATA

Approved by *Supervisor*
 Approved by *Board*
 2/5/2007

DEVELOPER AND OWNER
SCONCHO, LLC

ATTN: PATRICK KIRK
E. ALDER SPRING PLACE
SCOTTSDALE, ARIZONA 85237

CHECKED	ML
BTR	
DATE	11/25/06
SCALE	
JOB NO.	AS NOTED
SHEET	
1	OF 8

MONSOON CONSULTANTS
P.O. Box 11896
TUCSON, AZ 85734

LA MARQUESA

La Marquesa \ Tentative Plat \ Cover

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Wilson, Beverly

From: Patrick Kirk [patrickkirk10@yahoo.com]

Sent: Sunday, January 29, 2012 8:48 PM

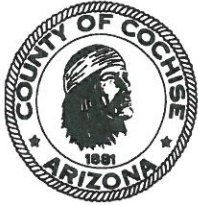
To: Wilson, Beverly

Subject: RE: La Marquessa Tentative Plat Extension for March PnZ

Hi Bev. I would like to be put on the agenda for the March Commission meeting. The check is in the mail.

Thanks

Pat



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner
For: Carlos De La Torre, P.E., Community Development Director
SUBJECT: Docket Z-12-02 (Hodai)
DATE: March 5, 2012 for the March 14, 2012 Meeting

APPLICATION FOR A REZONING (DOWNZONING)

Docket Z-12-01 (Hodai): The Applicant requests to downzone two parcels of land from TR-36 (Residential, 1 dwelling per 36,000 square feet) to RU-4 (Rural, 1 dwelling per 4 acres) in order to qualify for the Owner-Builder amendment to the County Building Code.

The property subject to the request (Parcel Nos. 401-37-262 and 263), which are undeveloped and unaddressed, are located generally ¼ mile East of Rancho Del Sol Road and ¾ mile South of Austin Henley Road, near Elfrida, AZ. The Applicant is Bo Hodai.

The Board of Supervisors will consider the Planning Commission recommendation and take final action on this Docket at a public hearing on March 27, 2012, at 10:00 a.m.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 5 Acres
Zoning: TR-36 (Residential, 1 Dwelling per 36,000 square feet)
Growth Area: Category D (Rural Growth Area)
Area Plan: None
Plan Designation: Rural
Existing Uses: Undeveloped Land
Proposed Uses: Single Family Residence and possible accessory structures

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	Undeveloped Land
South	TR-36	Undeveloped Land
East	TR-36	Undeveloped Land
West	TR-36	Undeveloped Land

II. PARCEL HISTORY

The property has no history of permits nor violations. The Applicant has erected a temporary structure on the property for shelter pending the outcome of the rezoning request.



Northward view of the temporary shelter on the property.

III. NATURE OF THE REQUEST

Bo Hodai, the Applicant, recently purchased two adjacent lots off Rucker Canyon Road, Northeast of Elfrida, AZ. His intention is to construct his own single-family residence on the site. He has applied to have the two parcels rezoned to RU-4, in order to qualify for the County Owner-Builder Amendments. These Amendments allow owner-builders of properties in Zoning Districts with a minimum density of one dwelling per four acres to opt out of building code inspections.

IV. ANALYSIS OF REZONING REQUEST

Mandatory Compliance.

The subject property lies within a Category “D”—Rural Growth Area and is considered a “Rural” land use designation area. Section 402 of the County Zoning Regulations permits owners of property in such areas to request a rezoning to RU-4.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Ten (10) of the criteria are applicable and are listed below. The Applicant’s request complies with all ten (10) criteria.

1. Provides an Adequate Land Use/Concept Plan – Complies.

The attached Concept Plan is adequate for the proposed downzoning. A more robust site plan conforming to residential permitting requirements would be required before a residential permit could be issued. Note that Section 2208.03.B.1 does not relate specifically to what is proposed. That is, the rezoning would not facilitate a new residential subdivision development, but would facilitate residential development on one existing parcel. While the stipulation for residential rezonings is thus not applicable here, the requirements for non-residential rezonings are generally the same as what would be required for a residential building permit.

2. Compliance with the Applicable Site Development Standards - Complies.

The Applicant would be able to meet all applicable site development standards for the Rural District if the rezoning request is granted.

3. Adjacent Districts Remain Capable of Development – Complies.

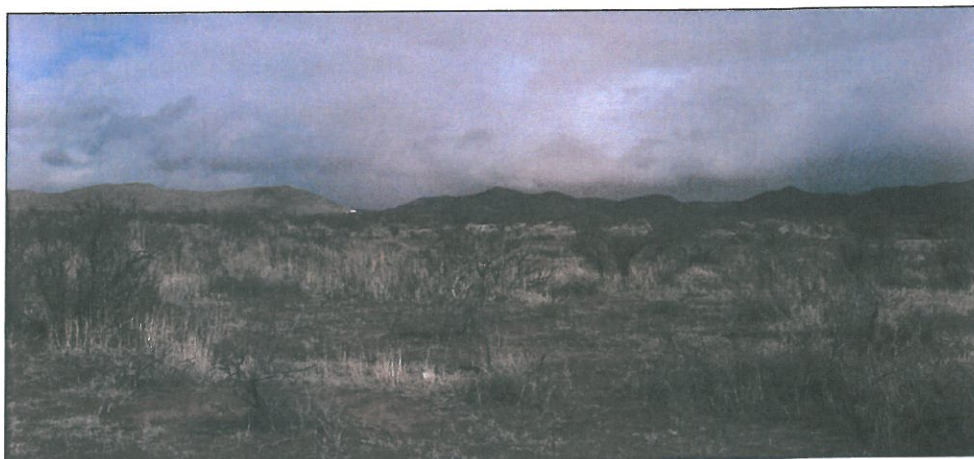
The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses – Complies .

The proposal would not create any potential for non-conforming uses. The Applicant proposes uses that are permitted within the current and proposed Districts, and can meet all development standards.

5. Compatibility with Existing Development – Complies.

The property is situated in an area that is almost totally undeveloped. The nearest residence is $\frac{3}{4}$ mile to the Southwest; the next nearest residence is approximately 1.5 miles to the East.



View to the East from the property. A residence can be seen in the distance, approximately 1.5 miles away.

6. Rezoning to More Intense Districts - Not Applicable.

As discussed, the proposal is for a less-intense Zoning District. Under the TR-36 standard, five homes could be built on the property; RU-4 would allow for one home on the same property.

7. Adequate Services and Infrastructure – Complies.

The home would be served by an on-site well and septic system. SSVEC would provide electric power and the property is within the Elfrida Fire District. The Applicant indicates that upon rezoning the property, the intent is to obtain a residential building permit, thereby qualifying him to obtain an address for the property. This would facilitate the provision of utilities and services to the site.

8. Traffic Circulation Criteria – Complies.

The proposal would result in development considered within the capacity of the transportation network to handle. The property is reached via primitive ranch roads beginning at Rucker Canyon Road.

9. Development Along Major Streets – Not Applicable.

The property is not within the vicinity of any major thoroughfare.

10. Infill - Not Applicable.

The Applicant does not propose a rezoning to GB, LI or HI.

11. Unique Topographic Features – Not Applicable.

This Factor only applies to rezonings to more intense districts, and not to downzonings.

12. Water Conservation - Not Applicable.

This criterion is applicable only to rezonings associated with Master Development Plans.

13. Public Input – Complies.

The Department sent the required notice to neighboring property owners within 1,500 feet, posted the property as required, and published a legal notice on February 16, 2012. To date, staff has received two letters of support from neighboring property owners (one of which was conditioned upon no concentrated animal feedlots being built on the property), and two letters opposing the request.

Note: because the request is for a downzoning, no Citizen Review process was required for this Docket.

14. Hazardous Materials – Not Applicable.

No hazardous materials are proposed for this site.

15. Compliance with Area Plan – Not Applicable

The property is not within the boundary of any area plan.

V. SUMMARY**Factors in Favor of Approval**

1. The rezoning, if granted, would allow for rural residential development in keeping with the rural, remote nature of the area.
2. Two neighboring property owner have expressed support for the proposal.

Factor Against Approval

1. Two neighboring property owners have expressed opposition to the proposal.

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Z-12-02 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and

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2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

VII. ATTACHMENTS

- A. Rezoning Application
- B. Concept Plan
- C. Location Map
- D. Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Mohamad Hodai
2. Mailing Address: P.O. Box 126 Elfrida, AZ 85610
Elfrida AZ 85610
City State Zip Code
3. Telephone Number of Applicant: (520) 457-8077
4. Telephone Number of Contact Person if Different: ()
5. Email Address: mo-idaho@yahoo.com
6. Assessor's Tax Parcel Number: 401-37-262 (Can be obtained from your County property tax statement) 401-37-263 → *Application to join parcels has been submitted @ Assessor's office - Application Filed 1/5/2012*
7. Applicant is (check one):
 - Sole owner: X
 - Joint Owner: _____ (See number 8)
 - Designated Agent of Owner: _____
 - If not one of the above, explain interest in rezoning: _____
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
 - List attached (if applicable): _____
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
 - If corporation, corporate resolution designating applicant to act as agent: _____
 - If partnership, written authorization from partner: _____
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: X *attached*
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No X

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No X

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR-36

14. Indicate proposed Zoning District for Property: RV-4

*Application for
Zoning
submitted on
1/5/2012*

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: category D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: category D, Plan Rural (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: shed

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: House, Accessory structures

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes ~~_____~~
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

The property does have legal access at there ~~is~~ is
a graded road on the legal easement accessing the property

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None

23. Identify how the following services will be provided:

* Property is currently undeveloped

Service	Utility Company/Service Provider	Provisions to be made
Water	CR CRPBN	
Sewer/Septic	composting	need permit
Electricity	Solar	
Natural Gas	None	
Telephone		
Fire Protection		

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

This property is part of
an area subdivided by Horizon Land Co. in
the mid-1960s. This area was zoned at the time
of the subdivision as TR-36.

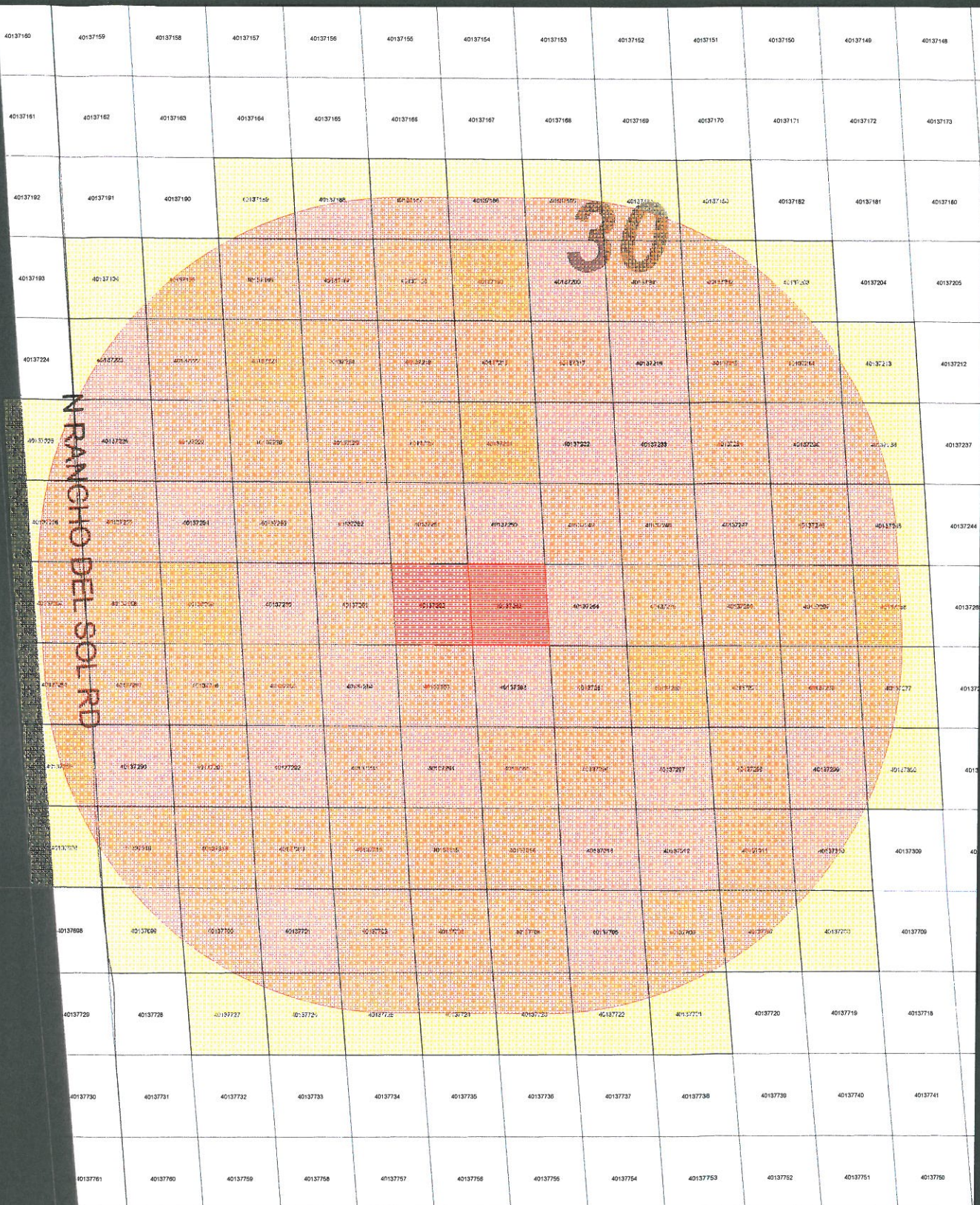
The reality of the situation is that the
proposed residential subdivision never materialized &
the land is very rural. As such, the designation
of RV-4 is more appropriate.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: _____

Date: _____



Docket Z-12-01
(Hodai)
1,500-foot buffer

This map is a product of the
Cochise County GIS



0' 1" = 50'

N

House, Approx
40 Feet from N
Boundary



262

263

330

660

S

REZONING: Docket Z-12-01 (Hodai)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: Our support is conditional upon the
intended use of these parcels of land providing ~~the~~ livestock
or poultry production of any kind including cattle or Hog feed lots
or confinement buildings of any kind will be forever and permanently
banned from existing on this property.

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: We don't support re-zoning to R4-4 if
any of the above stated uses will be allowed at any
time, now or ever in the future.

(Attach additional sheets, if necessary)

PRINT NAME(S): David Nicholas Joyce Nicholas

SIGNATURE(S): David Nicholas By Joyce Nicholas (trustee)
Joyce Nicholas P.O.A. + Trustee

YOUR TAX PARCEL NUMBER: 40137287 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 2635 N. 65th. street - Lincoln, Nebraska 68507

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on March 5, 2012 if you wish the Commission to consider them before the March 14, 2012 meeting. We can not make exceptions to this deadline. However, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commission to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

FEB 28 2012

PLANNING

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REZONING: Docket Z-12-01 (Hodai)

COCHISE COUNTY

FEB 23 2012

PLANNING

☐ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

GEORGE STEPHENS

SIGNATURE(S):

George Stephens

YOUR TAX PARCEL NUMBER:

401-37-318

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS _____

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on March 5, 2012 if you wish the Commission to consider them before the March 14, 2012 meeting. We can not make exceptions to this deadline. However, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commission to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

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REZONING: Docket Z-12-01 (Hodai)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons:

Bring Power closer to my property. (Utilities)

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Jeanette & Robert Tiller

SIGNATURE(S):

Jeanette M. Tiller

YOUR TAX PARCEL NUMBER: *401-37-310 4* (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS *6066 So. River Rd. Douglasville, GA 30135*

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on March 5, 2012 if you wish the Commission to consider them before the March 14, 2012 meeting. We can not make exceptions to this deadline. However, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commission to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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Bisbee, AZ 85603
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Fax: (520) 432-9278

COCHISE COUNTY

FEB 27 2012

PLANNING

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REZONING: Docket Z-12-01 (Hodai)

☐ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

only benefit the requester

(Attach additional sheets, if necessary)

PRINT NAME(S):

JANET M STEWART

SIGNATURE(S):

YOUR TAX PARCEL NUMBER: *401-37-262 + 263* (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS *110 IMPERIAL DR THOMASVILLE GA 31792*

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on March 5, 2012 if you wish the Commission to consider them before the March 14, 2012 meeting. We can not make exceptions to this deadline. However, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commission to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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COCHISE COUNTY

MAR 02 2012

PLANNING

23



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner *LD*
For: Carlos De La Torre, P.E., Community Development Director
SUBJECT: Docket SU-12-02 (Casanova)
DATE: March 6, 2012, for the March 14, 2012 Meeting

REQUEST FOR A SPECIAL USE

The Applicant seeks a Special Use authorization from the Planning and Zoning Commission for a Motion Picture Studio, per Section 607.19 of the Zoning Regulations. The parcel is 135 acres in size. The proposal is a for a full-sized, professional movie production operation, and would include an old west town site, other outdoor set areas, a commercial parking area, staging areas for equipment and production trailers.

The subject property (Parcel No. 103-91-00F) is located at 5031 W. Althaus Lane in Double Adobe, AZ. It is further described as being situated in Section 12 of Township 23, Range 25 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Chris Poulos and Tony Casanova.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 135.67 Acres
Zoning: RU-4 (Rural, 1 dwelling per 4 acres)
Growth Area: Category D (Rural Growth Area)
Plan Designation: Rural
Area Plan: None Applicable
Existing Uses: Undeveloped
Proposed Uses: Motion Picture Production Facility

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Land, Rural Residential
South	RU-4	Undeveloped Land
East	RU-4	Undeveloped Land
West	RU-4	Undeveloped Land, Rural Residential

II. PARCEL HISTORY

There are no permits, nor zoning violations, for this undeveloped property.



View to the South towards the undeveloped property, as seen from the Frontier Road travelway.

III. SPECIAL USE REQUEST AND BACKGROUND (SEE CONDITION #1)

Applicants Anthony Casanova and Chris Poulos plan to develop the 135-acre property as a fully capable, professional motion picture production site. If developed, the property would be home to a full compliment of indoor and outdoor studios, large town site simulations used as sets for filming, sound stages, and post-production capabilities. The site would primarily be geared towards films in the “western” genre, but would include capacities for other types of film projects as well.

The Application for this Special Use was accompanied by a concept plan reflecting the Applicants’ vision for the finished project. It is understood that a project of this magnitude will require considerable site work, surveying, detailed measurements and design, and that investors and design professionals would become more involved with the project if and after approval by the Planning Commission. Below, staff recommends a number of approval conditions which would ensure that the project is adequately designed and planned, that adequate infrastructure and services will be provided for the finished product, and that off-site impacts are effectively mitigated.

Staff references Condition #1 in this section because subsequent to the application submittal, the Applicant indicated that the project would necessarily proceed in phases. The concept plan accompanying the Application provides an excellent overview of what a finished product might look like. However, with the knowledge that the project would proceed in phases, and that the project is an ambitious undertaking on a 135-acre site in which 10-20 acres would be cleared, it will be necessary for the Applicant to provide a phasing plan detailing what would be built on the property and a sequence of the proposed development. Staff recommends such a plan as part of the initial commercial permit process should the Commission approve this Docket. Such a

plan would be important in establishing a schedule for on and off-site improvements for the project, particularly with regard to road infrastructure.

IV. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Nine of the 10 criteria apply to this request. The project complies with two of the nine applicable factors as submitted, but with the recommended conditions and requested modifications, would comply with each of the nine applicable factors.

A. Compliance with Duly Adopted Plans: Not Applicable

The special use is consistent with master development plans, transportation plans or other land use plans if any have been adopted for the area encompassing the special use.

The project site is not within any such area.

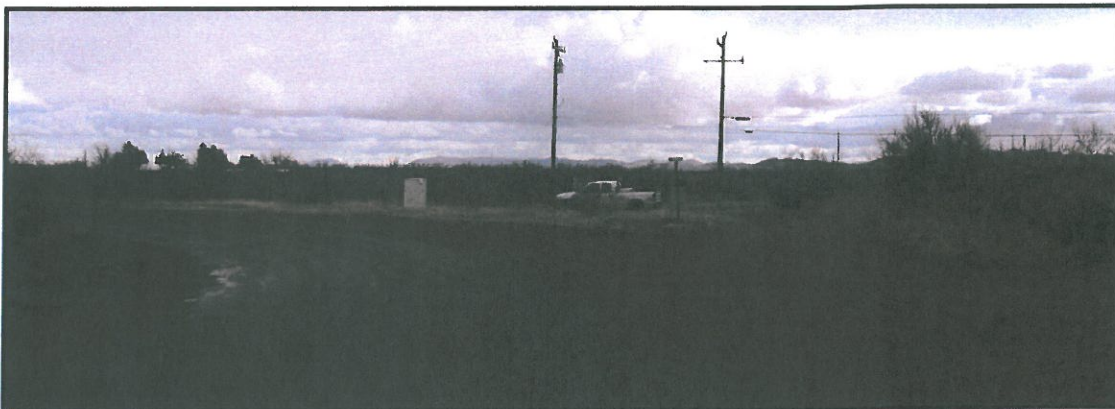
B. Compliance with the Zoning District Purpose Statement: Complies

The proposed special use shall comply with one or more of the purposes stated in the "Purpose" section of the applicable zoning district and harmonious with existing development.

The project would comply with Section 601.07, a Rural District purpose statement that describes more intense Special Uses as being more appropriate to less densely populated areas, provided that off-site impacts can be mitigated.

C. Development Along Major Streets: Complies (Subject to Conditions #2 and #3)

The development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

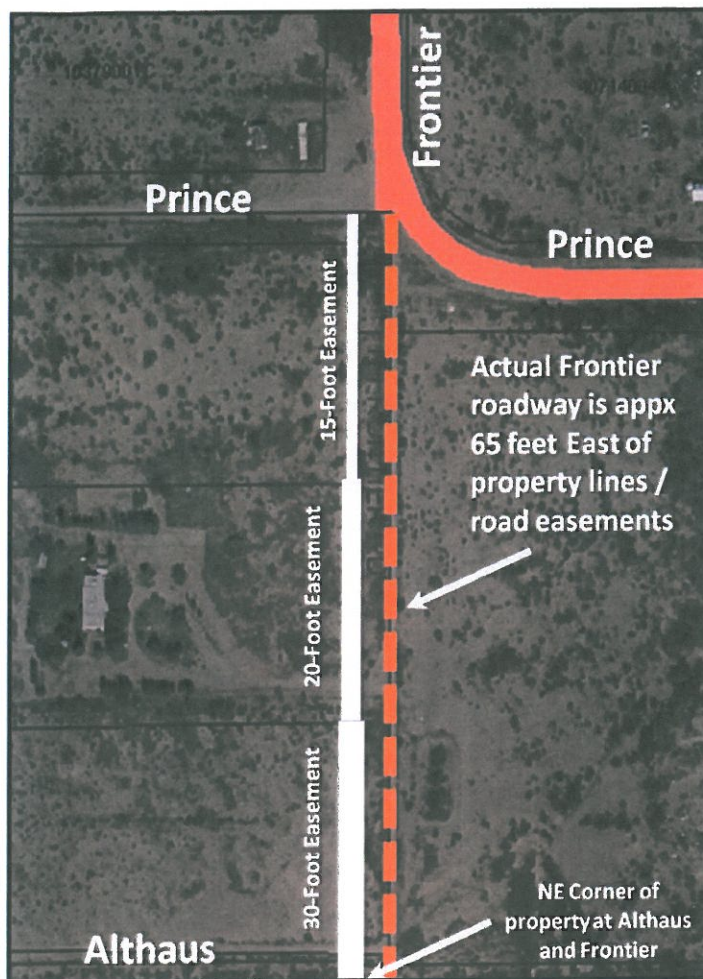


Southward view of the misaligned Prince/Frontier intersection.

The project site is located South of the Frontier Road/Prince Road intersection in Double Adobe, and this intersection would effectively serve as the access route to the property. As it presently

exists, however, this intersection is misaligned and for this and other reasons is inadequate for the type of, and potential volume of, traffic to and from the site as it develops. This access route to the property entrance, near the intersection of Althaus Lane and the Frontier Road extension, is also problematic for a number of reasons which are discussed below.

On page 3 of this Memo is a South-facing view of the Prince Road/Frontier Road intersection, which demonstrates the misalignment of the road travelways. Below is an aerial view of the intersection and access route to the site. Should the project develop at the full potential and scale envisioned by the Applicants, with large truck/trailer traffic accessing the site along this bend in the road, the existing condition of the transportation network here is inadequate. To begin with, there is the problem of access. Namely, the Frontier Road easement to the site does not match with the physical location of the Frontier Road travelway.



South of the Prince Road bend, Frontier becomes a native-surface dirt road, and reaches the northeast corner of the property approximately 1,100 feet south (at the intersection of Althaus Lane). The Frontier Road travelway continues its north-south course South of the intersection, but is misaligned relative to the location of its easements to the South. South of the intersection there are three easements, 15, 20 and 30 feet wide, located entirely on the west side of what would be the Frontier Road travelway. However, the actual road is approximately 65 feet East of this line of access easements. As such, access to the property currently is possible only by traversing on private property for which there is no easement; the property cannot, therefore, be said to have true legal access.

Staff recommends, as Condition #2 that prior to permit issuance, the Applicants rectify this issue by obtaining a minimum 50-foot dedicated public access easement which would run along the existing Frontier Road travelway from the Frontier/Prince intersection South to the Althaus Lane intersection.

Condition #2 as recommended by staff would solve the access problem with the site, but challenging conditions on the existing roads would still need to be improved as the project develops. Condition #3 recommended by staff outlines a number of improvements which would

be required, in the form of a delay agreement between the Applicants and the County. Staff proposes that actual road improvements take place as the site develops and traffic conditions warrant such improvements. These would include:

- Execute a Private Maintenance Agreement for the extension of Frontier Rd. and portions of Althaus Lane, to ensure that the same is maintained in a safe, passable condition;
- Improve the Frontier/Althaus intersection, and the Frontier Road travelway North to the Prince/Frontier intersection to a primitive road standard (D-120);
- Improve the Prince/Frontier intersection to County standards, in order to correct or otherwise mitigate the misalignment at this location;
- Improve the Frontier Road extension South of the above intersection, South to the Frontier/Althaus intersection;
- Dedicate Right-of-Way to the County for the Frontier extension, and work with County staff to bring this portion of the roadway into County maintenance.

D. Traffic Circulation Factors: Complies (Subject to Conditions #2 and #3)

1. *The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102B3 (a-g) of the Comprehensive Plan.*
2. *The special use does not result in the use of any residential street for non-residential through traffic.*
3. *Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.*

Discussion of road and traffic-related improvements are discussed under the “Development Along Major Streets” factor, above.

E. Adequate Services and Infrastructure: Complies (Subject to Conditions #2, #3 and #4)

The following factors are used to determine if there are adequate services and infrastructure to serve the special use:

1. *The applicant has provided adequate information to evaluate the impacts on roads, other infrastructure and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified; the applicant shall provide data supporting the estimated traffic volume as part of the application.*
2. *If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the applicant has proposed a method to address these problems.*
3. *The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.*
4. *The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.*

Conditions #2 and #3, relative to the access and road conditions applicable to the project site, has been discussed above.

The portion of the Application in which the Applicant is asked how services such as electric power, natural gas, water and telephone services are to be provided was left blank. The Applicant has since indicated that a new well would have to be drilled on the property, that electric power

will be provided on an as-needed basis through the use of generators, and that on-site septic systems will also be installed.

As a proposed production facility for western-themed motion pictures, the operation will likely involve staged gunfights, pyrotechnic operations such as explosions or burning buildings, and other stunt-type work of an often-dangerous nature. However, the project site is not within any fire district, whereby emergency service professionals would be on standby to assist should the need arise. Staff therefore recommends, as Condition #4, that prior to issuance of a certificate of occupancy for phase 1, the Applicant shall provide on-site fire-fighting capacity, with a minimum 100,000 gallons of water stored for the purpose. Condition #3 would also require that the Applicant contract with an emergency services provider for emergency fire and medical first response.

F. Significant Site Development Standards: Complies (Subject to Condition #1 and Requested Modifications to Site Development Standards).

The special use adequately addresses the significant applicable site development standards, including development in or near a floodplain. The applicant has adequately justified any waivers requested from site development standards.

Staff has received a robust concept plan with the Application, but this plan does not adequately address the various development standards that would apply to the land use. However, it is anticipated that most development standards can be met. Condition #1 would require a phasing plan prior to issuance of any permit, as well as detailed site plans in accordance with County Zoning Regulations for all future commercial permits. The Applicant has asked for two modifications to development standards which are intended to achieve and preserve a historically accurate appearance to the site, to preserve as much of the property for potential film sites as possible. The modifications being requested by the Applicants are: to allow a native (dirt) surface for internal driveways, parking and loading areas, rather than the 2-inch deep gravel surfacing normally required in a Category D growth area (per Section 1804.07.D). The second is to allow buildings and set pieces to be closer than the 15 foot minimum required by the RU-4 development standards (Section 604.05). Staff has no issue with either request.

The parking and loading areas described on the Applicants' concept plan appear robust and adequate for the proposed use. It should be noted that the Zoning Regulations do not provide a parking standard for motion picture production facilities. The loading spaces are shown as being 50' x 100', larger than the 12' x 48' size required by County standards. The parking spaces are not dimensioned, but would have to meet the 9' x 19' standard required in the Zoning Regulations (See Condition #7). Due to the absence of a standard, and because the Applicant has shown a significant area for parking (over seven acres), staff requests that the Applicant be allowed to provide parking according generally to what is shown on the concept plan. It is understood that ADA-compatible parking spaces and other ADA requirements would still apply to the use (see, again, Condition #7).

G. Public Input: Complies

The Applicant completed the Citizen Review process and received no response, but has reported generally favorable feedback resulting from person to person conversations with neighbors about the project.

H. Hazardous Materials: Complies (Subject to Condition #7)

The Applicant indicated that no hazardous materials are to be utilized as part of the use. However, as discussed previously, it seems likely that pyrotechnic effects may be employed as part of a film project; the on-site fire fighting capabilities required as part of Condition #4 are intended, in part, to account for such a possibility. In this event, the Applicant may be required to obtain clearance for the transport and operation of explosives from local, state, and federal agencies, and provide the County with notice and documentation of such materials. Condition #7, which is a standard condition recommended for all Special Uses, would address this issue.

I. Off-site Impacts: Complies (Subject to Condition #5)

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights or storm water run-off.

The Application indicates that between 10 and 20 acres of land would be cleared during the development of the project. Such clearing will require a land clearing permit. The area is subject to significant flooding events and sheet flow across the landscape, and significant site disturbances must be effectively mitigated to avoid off-site impacts from stormwater runoff and erosion, as well as dust impacts. Condition #5 would require the Applicant to provide detailed engineering analysis of the challenges and mitigation strategies that would be necessary to minimize or eliminate these off-site impacts.

J. Water Conservation: Complies (Subject to Condition #6)

The special use complies with the water conservation policies in Section 102E of the County Comprehensive Plan or any other adopted area plan.

This section (102E.2(a)) stipulates that major developments shall “[m]inimize overall water use through water conservation measures such as drought-tolerant landscaping, low-flow fixtures, re-use, water harvesting, deed restrictions and other water conservation methods.” At 135 acres, the project is considered a “major development,” and as such, is subject to the water conservation policies in Section 102E of the Comprehensive Plan. Staff recommends, as Condition #6, that the project be subject to the conservation methods prescribed by the Comprehensive Plan.

V. PUBLIC COMMENT

Staff mailed notices to property owners within 1,500 feet of the subject property, posted the property as required on February 17, 2012, and published a legal notice on February 23, 2012. Within the 1,500-foot notification buffer, staff has received positive responses from one property owner, and opposition from two.

VI. SUMMARY AND RECOMMENDATIONS**Factors in Favor of Allowing the Special Use**

1. The proposal would afford some measure of economic development to Cochise County, with possible positive impacts to the local economy in the form of employment, and multipliers to area businesses;

2. With the recommended conditions, the project would comply with each of the nine applicable Special Use Factors;
3. With the recommended conditions, the project would result in phased improvements to the Frontier Road/Prince Road intersection;
4. One neighbor have expressed support for the request.

Factors Against Approval

1. Staff received objection to the request from two neighbors;
2. The property cannot be said to have clear legal access at this time, although, if approved, would be required to obtain such access within 6 months of approval (per Condition #2).

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request. Staff recommends such approval be subject to the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall apply for a building/use permit for the project within one year of approval, such application to include a completed joint permit application. The building/use permit shall include a revised, complete commercial permit questionnaire, and appropriate fees. The submittal shall also include a phasing plan detailing the schedule of development for the project site, and a phase 1 site plan in conformance with all applicable site development standards except as modified by the Commission, and with Section 1705 of the Zoning Regulations, A permit must be issued within 18 months of Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. Prior to issuance of a permit, the Applicant shall obtain and record an easement (50-foot minimum) for the extension of Frontier Rd. and portions of Althaus Lane. Such easement must be recorded within six months of Commission approval;
3. Prior to permit issuance, the Applicant shall enter into a Delay Agreement with Cochise County for phased transportation infrastructure improvements, to include:
 - Execute a Private Maintenance Agreement for the extension of Frontier Rd. and portions of Althaus Lane, to ensure that the same is maintained in a safe, passable condition;
 - Improve the Frontier/Althaus intersection, and the Frontier Road travelway North to the Prince/Frontier intersection to a primitive road standard (D-120);
 - Improve the Prince/Frontier intersection to County standards, in order to correct or otherwise mitigate the misalignment at this location;
 - Improve the Frontier Road extension South of the above intersection, South to the Frontier/Althaus intersection;
 - Dedicate Right-of-Way to the County for the Frontier extension, and work with County staff to bring this portion of the roadway into County maintenance.

4. The Applicant shall subscribe or contract with a fire suppression operation and an emergency medical care provider to provide emergency services to the site, or otherwise provide such services themselves to the satisfaction of the County Building Official. Adequate fire suppression and emergency service capacity shall also be kept and maintained on site, such measures to include an on-site storage tank with a storage, pressure and fire flow capacity as required by the 2003 International Fire Code, and emergency medical equipment;
5. Prior to permit issuance for a land clearing permit or any phase of development where significant land clearing or other site work is scheduled, the Applicant shall provide detailed engineered reports that demonstrate adequate mitigation of drainage, erosion and stormwater runoff impacts, to meet at least minimum development and floodplain regulation requirements to the satisfaction of the County engineer. Floodplain staff will be available for pre-design consultations with the Applicant and their engineers to clarify design standards and report requirements;
6. All development on the property shall be subject to the water conservation policies prescribed in Section 102E of the Cochise County Comprehensive Plan;
7. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations. This includes regulations and requirements as may be applicable for explosives and pyrotechnic special effects, firearms and any hazardous materials that may be employed in the production of films; and
8. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-12-02, with the conditions of approval as recommended by Staff, and modifications to development standards as requested by the Applicant; with the factors in favor of approval constituting findings of fact."*

VII. REQUESTED MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant and staff request the following modifications and waivers to development standards:

- To allow a native dirt surface for all internal driveways, parking and loading areas (1804.07.D);
- To waive the 15-foot distance between structures requirement as required in the RU District (604.05); and
- In the absence of a specific parking space requirement for the proposed Special Use, staff requests that the Commission allow the parking area to be developed as proposed on the concept plan.

VIII. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Concept Plan
- D. Transportation Planner Memo
- E. Requested Modifications and Correspondence
- F. Citizen Review and Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 103.91.001F ZONING DISTRICT 2
APPLICANT: Anthony Casanova Chris Poulos
MAILING ADDRESS: P.O. Box 4 Gilbert, AZ 85299
CONTACT TELEPHONE NUMBER: (480) 695-1791 (623) 692-3344
PROPERTY OWNER (IF OTHER THAN APPLICANT): Teresa Relatos
ADDRESS: 3094 S. Lois Lane Gilbert, AZ 85295

DATE SUBMITTED: 1/25/12

Special Use Permit Public Hearing Fee (if applicable) _____
Building/Use Permit Fee _____
Total paid _____

\$ _____
\$ _____
\$ 300

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached). 607.19
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

"Public Programs, Personal Service"
www.cochise.az.gov

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Nothing
2. What is the proposed use or improvement? Movie Studio
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Filming movies - photoshoots
Commercials - Gun fire - Controlled Traffic

4. Describe all intermediate and final products/services that will be produced/offered/sold.

Building a Movie Studio

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

wood block metal etc

6. Will the project be constructed/completed within one year or phased? One Year _____
Phased 1 if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: _____ Hours (from _____ AM to _____ PM) - vary

B. Number of employees: Initially: N/A Future: N/A
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

Depending on Production

(2) Total trucks (e.g., by type, number of wheels, or weight)

Depending on Production

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Depending on Production

(4) If more than one direction, estimate the percentage that travel in each direction

Depending on Production

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Depending on Production

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day _____ per year _____

E. Will you use a septic system? Yes ☒ No ☐ If yes, is the septic tank system existing? Yes ☒ No ☐
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes ☒ No ☐
If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one): ☒ private road or easement**
☐ County-maintained road
☐ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached _____ NA _____

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
Fire Protection		

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Filming

2. Will outdoor storage of equipment, materials or products be needed? Yes ☒ No ☐ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____
3. Will any noise be produced that can be heard on neighboring properties? Yes ☒ No ☐ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? Depending on what is in production
4. Will any vibrations be produced that can be felt on neighboring properties? Yes ☐ No ☒ if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____
5. Will odors be created? Yes ☒ No ☐ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? Depending on what is in production
6. Will any activities attract pests, such as flies? Yes ☒ No ☐ If yes, what measures will be taken to prevent a nuisance on neighboring properties? Depending on what is in Production
7. Will outdoor lighting be used? Yes ☒ No ☐ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes ☐ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ☐ No ☒ *in the future* If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ☐ No ☐ *on future site plan*

If yes, will storm water be directed into the public right-of-way? Yes ☐ No ☐ *on future site plan*

Will washes be improved with culverts, bank protection, crossings or other means? *on future site plan*
Yes ☐ No ☐

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other) Rustic Area Dirt such as Tombstone

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ☐ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

2. How many acres will be cleared? 10 - 20 to start
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No / Yes If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

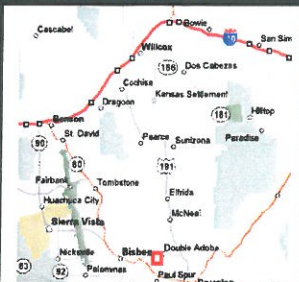
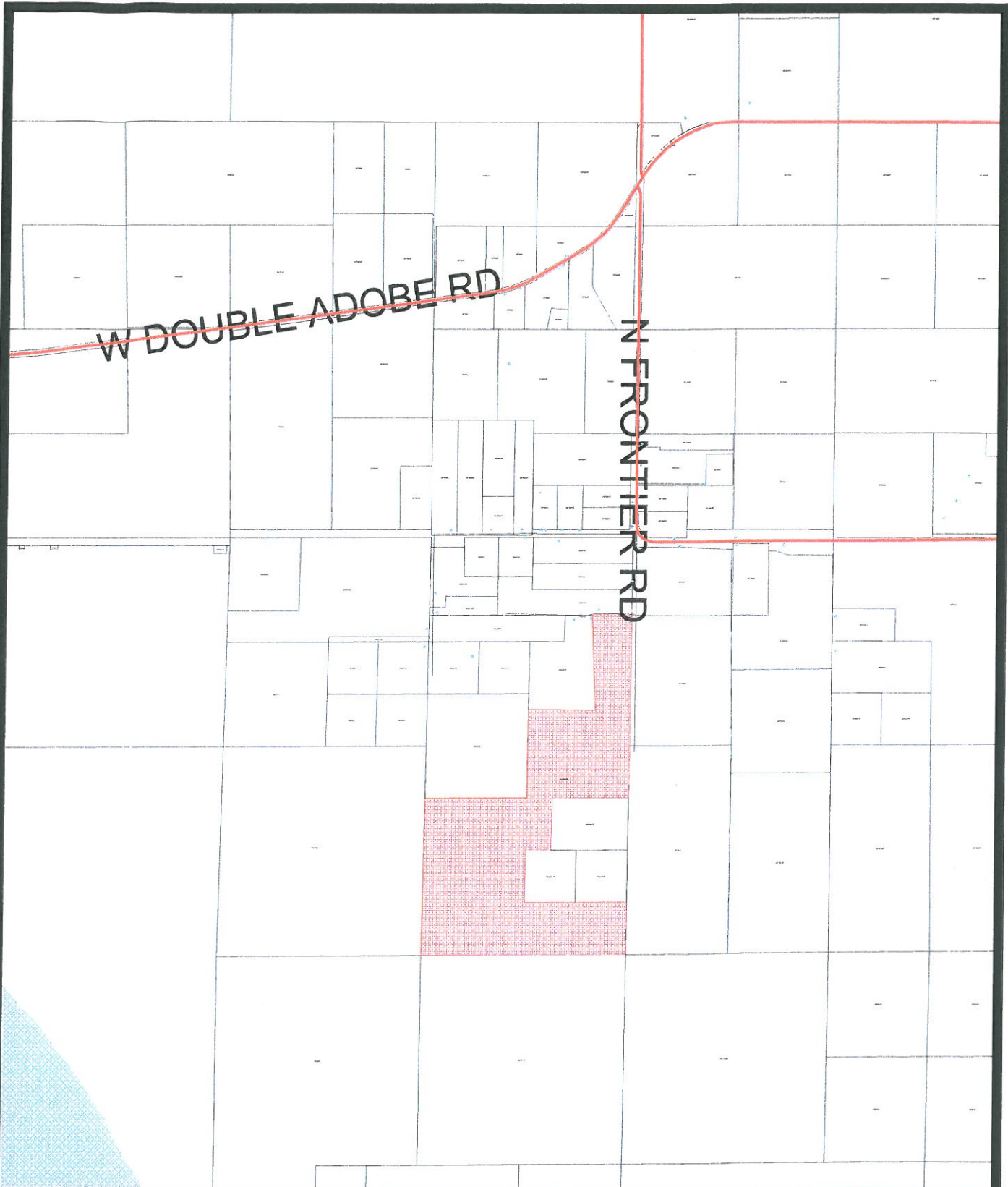
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Date signed 11/25/12



Docket SU-12-02 Location Map

This map is a product of the
Cochise County GIS



0' 1" = 1775'

41

(U) ALTHAUS, LAKE

40' EASEMENT ALL AROUND PERIMETER

100 1/2

AD. PER DKT 928 P566

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos de la Torre, P.E., Community Development Director

MEMORANDUM

TO: Keith Dennis, Senior Planner

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Cassanova Motion Picture Studio: SU-12-02\Parcel #103-91-001F

DATE: February 22, 2012

The applicant has proposed an outdoor western style movie production studio that would be built out over time as funds and interest in the project evolved. The applicants have a 135 acre parcel located in the southeast area of Cochise County. Primary access would be from Double Adobe Rd., a county-maintained, chip-sealed, rural major collector. Access to the site itself is via Frontier Rd., a county-maintained, chip-sealed, rural minor collector that ends maintenance at Prince Rd. short of the subject parcel by about 1,100 feet (.203 miles). To reach the parcel a private dirt road extension of Frontier Rd. continues south and becomes a private dirt lane called Althaus Lane.

There are no specific land uses of this type analyzed in the ITE Manual, 8th edition. A similar use in the Pima County area is the Old Tucson Studio's. As a fully developed theme park and commercial movie production the Old Tucson Studio's produce about 12,000 trips per month averaging 300 trips daily with ranges up to 600 trips per day for special event weekends. When in full movie production an increase in trailers, RV's and/or large trucks traveling to and from the site is typical. Production studio's consisting of western style movie sets is a fairly low volume traffic generator. Closed movie production sets have higher traffic volumes associated with intensive filming schedules. Theme scaled attractions that allow the public on-site produces the highest volumes of traffic for this type of use.

The intersection at Frontier and Prince is a typical rural, low volume connection where historic ranch access points intersect with the county's roadway network. This entire intersection would need to be reconfigured to move larger volumes of traffic as well as turning movements of large trucks, like horse trailers, that might be expected for this proposed use. Appropriate traffic control signs would need to be installed. The Frontier Rd. extension would need to be built out, at a minimum, to a rural minor access roadway and either dedicated to the county for maintenance or a maintenance agreement be put in place. Roads on the site itself should meet or exceed the County's primitive road standards of a minimum 18 foot cross-section, with a 6" compacted native surface or better surface and at least a 2% slope.

The applicants are advised that they currently have no legal access to the site. The Frontier Rd. extension is on private land, no recorded easements appear to be in place although private agreements may exist. The applicants should obtain, either by agreement or purchase, a public easement for that segment of Frontier from the county right-of-way to their parcel. An intersection

would need to be formed at Althaus Lane and an easement obtained for that segment as well. A minimum of 50 feet is required with 80 feet preferable. It is noted that the current alignment of the roadway lies at least 65 feet inside parcel 407-15-003.

Recommendation

The applicants have applied for a Special Use permit that reaches to full potential build-out. Initial plans are for a very small studio set that may have small scaled productions occurring intermittently. If successful, the applicants envision expanding the set and eventually may see a theme park scaled public venue.

Should this site become successful as either a full-scaled studio or a modest public attraction there would need to be off-site improvements to the intersection at Frontier and Prince and to the extension of Frontier Rd. to the subject parcel. These improvements, identified for this use at full-build, could be phased in as the project develops. We would recommend that the applicants enter into a delay agreement with the County for these improvements before a Certificate of Occupancy is issued on their first commercial permit. This delay agreement would identify thresholds for off-site improvements so that as the project moves forward appropriate off-site improvements are also made. Based on the concept presented in this application a tentative phasing would likely be:

- Prior to requesting their first commercial permit the applicants would need to obtain an easement for the extension of Frontier Rd. and portions of Althaus Lane and submit that recorded easement with their permit request.
- Prior to issuing a Certificate of Occupancy for the first commercial permit the applicants would need to execute a Private Maintenance Agreement for the extension of Frontier Rd. and portions of Althaus Lane.
- Prior to issuing a Certificate of Occupancy for subsequent commercial permits that have the potential of generating 50 to 100 daily trips (or similar event scaled traffic) the applicants will improve the extension of Frontier Rd. and portions of Althaus Lane to a minimum primitive road standard (D-120). Open professional scaled movie sets would be anticipated to be in this phase.
- Prior to issuing a Certificate of Occupancy for subsequent commercial permits that have the potential of generating 100 to 150 daily trips (or similar event scaled traffic) the applicants will improve the intersection at Frontier Rd. and Prince Rd. It is anticipated that design work, right-of-way acquisition, materials and labor costs may be the responsibility of the applicant. The applicant may be able to work with the County to accomplish this project; however, there is no certainty that there will be any available county contribution towards this required improvement. Closed production studios with several professional filmed projections a year would be anticipated to be in this phase.
- Prior to issuing a Certificate of Occupancy for subsequent commercial permits that have the potential of generating 150 to 250 or more daily trips the applicants will bring the extension of Frontier Rd. up to county standards for a rural minor collector, chip-sealed or better surfacing with appropriate striping and signage. The intersection at Frontier and Althaus Lane would also be improved with this project. By this phase, the applicants should consider obtaining and dedicating sufficient right-of-way to the County, along with meeting County design standards on this roadway, and bringing this roadway into County maintenance. Themed attractions that invite the public would be anticipated to be in this phase.

At commercial permitting the applicants would be required to work with County staff to more fully develop their Motion Picture studio build-out plans and appropriate transportation improvements identified for each phase. The executed delay agreement will give the applicants a full understanding of what would be required at full build-out but would also scale off-site improvements for each commercial permit. For earlier phases the applicants will be requested to provide specific event scaled traffic control and mitigation until such time as the entire off-site improvements have been completed sufficient for movie production scaled events. This will likely include traffic control at the intersection of Frontier and Prince, watering of the Frontier Rd. extension and repair of any damage to the county-maintained surfaced roadways. In later phases it could also be anticipated that on-site improvements, like hard-surfaced parking areas will be required.

Should the applicant wish to make improvements within the County right-of-way either now or in the future they will need to contact the County's Highway and Floodplain Department at 520.432.9300 to obtain both a Right-of-Way Permit and an Encroachment Permit as well as obtain the appropriate design standards, including any needed culverts/drainage structures. The applicants may review the County's Roadway Design Standards on-line at www.cochise.az.gov or by contacting the Highway Dept.

cc: Docket SU-12-02; Highway Dept.

From: Riggs, Karen
Sent: Wednesday, February 29, 2012 1:43 PM
To: Dennis, Keith
Subject: RE: Movie Studio Land Clearing/Stormwater/Drainage condition
See suggestions below, thanks for putting the draft language together, that's a big help. Let me know if you think this is adequate.
K

From: Dennis, Keith
Sent: Wednesday, February 29, 2012 1:32 PM
To: Riggs, Karen
Subject: Movie Studio Land Clearing/Stormwater/Drainage condition

Karen, I was thinking something like this:

"Prior to permit issuance for a land clearing permit or any phase of development where significant land clearing or other site work is to take place, the Applicant shall provide detailed engineered reports that demonstrate adequate mitigation of drainage impacts, erosion and stormwater runoff impacts, to meet at least minimum development and floodplain regulation requirements to the satisfaction of the County engineer. Floodplain staff will be glad to hold a pre-design meeting with developer and their engineer to clarify design standards and report requirements."

The idea is to account for whatever contingency in their development plan that arises and cover the bases, etc etc.

However, if you have some more concise standard condition you can pull from the quiver, feel free.

Keith Dennis - Senior Planner
Cochise County Community Development
1415 Melody Lane
Bisbee AZ 85603
Phone (520) 432-9244
Fax (520) 432-9278

Public Programs – Personal Service
www.cochise.az.gov

Dennis, Keith

From: chris poulos [kahuna85383@yahoo.com]

Sent: Wednesday, February 29, 2012 4:27 PM

To: Dennis, Keith

Subject: Re: SU-12-02 Comments and Notes

Mr. Dennis,

We would ask the commission for permission to leave the surface as is to create the historical value of what we are trying to achieve.

As far as the buildings are concerned we would like to have them connected as they where in the old west with some separations where we feel it would be necessary. This is back to a safety/fire issue which we are very serious about. Water control will be taken to an overkill level. We realize that even if there was a fire department in place it would most likely be all over by the time they arrived. We see the need for our own fire truck on the property armed with some very powerful pumps. Dust control as well.

The owner of the property Teresa Relatos is aware of what is going on. We have spoken with her and have her complete cooperation.

Kind Regards, Chris & Tony

From: "Dennis, Keith" <KDennis@cochise.az.gov>

To: "anthonycasanova1@yahoo.com" <anthonycasanova1@yahoo.com>; "kahuna85383@yahoo.com" <kahuna85383@yahoo.com>

Sent: Tuesday, February 28, 2012 12:27 PM

Subject: SU-12-02 Comments and Notes

Mr. Casanova and Poulos,

After reviewing the concept plan and our regulations, it appears that at this time, with the information we have, there are few deficiencies to be dealt with. Deficiencies in this case meaning areas where the zoning code is not met.

Among those are:

Your request to have the native surface remain on driveways, parking and loading areas; and

You may wish to have buildings or structures be closer than 15 feet apart from each other in order to achieve a historical aesthetic on the set.

If you want to ask the Commission to modify these standards, please email back with your request, along with a brief rationale for each. Please get that to me by Thursday so

3/6/2012

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I can include it in the staff report.

We will recommend a phasing plan and detailed phase 1 site plan prior to permit issuance.

Also, as there is poor infrastructure on and to the site at this time, we will be recommending a number of approval conditions in order to ensure that off-site impacts of a successful project are mitigated. I will have that in a more firm format later this week but right now we are looking at phase 1 road improvements, on-site fire flow capabilities as well as EMT and other emergency services, proper drainage and erosion protection associated with land clearing, and notice to law enforcement and neighbors when gunfights or pyrotechnics are to be employed.

Lets talk soon.

Keith Dennis - Senior Planner
Cochise County Community Development
1415 Melody Lane
Bisbee AZ 85603
Phone (520) 432-9244
Fax (520) 432-9278

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Keith Dennis - Senior Planner
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Fax (520) 432-9278

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www.cochise.az.gov

To whom it may concern,

My name is Anthony Casanova and my partner is Chris Poulos. We are independent film makers and are looking to purchase this parcel of land to build a movie studio. We would appreciate your support in our endeavor.

If you have any questions feel free to contact us.

Tony... e-mail is anthonymcasanova1@yahoo.com
cell... 480-695-1791

Chris... e-mail is kahuna85383@yahoo.com
cell... 623-692-3344

Sincerely,

Anthony Casanova

Chris Poulos

SPECIAL USE: Docket SU-12-02 (Casanova)

COCHISE COUNTY

YES, I SUPPORT THIS REQUEST

FEB 20 2012

Please state your reasons:

PLAINING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: DAMAGE TO ENVIRONMENT-

LOWER WATER TABLE, AIR QUALITY,
NOISE FACTOR, PRIVACY, ANIMALS FACTOR,
INDEPENDENCE WILL ^{ALL} BE DAMAGED. PLUS MORE
PEOPLE MORE CRIME. I URGE PLANNING/ZONING TO
NOT SUPPORT ZONING THIS CHANGE. I HAVE ^{Ret}

(Attach additional sheets, if necessary)

LEAST 400 ACRES ADJACENT TO THIS PL

PRINT NAME(S):

ROBERT D. WOODDELL

SIGNATURE(S):

Robert D. Wooddell

YOUR TAX PARCEL NUMBER:

103-92-002
407-23-002
407-15-001

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

YOUR ADDRESS

135 W CEDRO GREEN VALLEY, AZ 85614

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on March 5, 2012 if you wish the Commission to consider them before the March 14, 2012 meeting. We can not make exceptions to this deadline. However, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commission to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

520 432 9244

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SPECIAL USE: Docket SU-12-02 (Casanova)

Y YES, I SUPPORT THIS REQUEST

Please state your reasons: I Like anything that might MAKE jobs.

 NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Victor P Giacchetti HELEN GIACCHETTI

SIGNATURE(S): Victor P. Giacchetti Helen Giacchetti

YOUR TAX PARCEL NUMBER: 103-89-002-40 acres 103-91-017-40 acres
from the Assessor's Office) 103-91-021 10 acres (the eight-digit identification number found on the tax statement)

YOUR ADDRESS P.O. Box 2488 Silver City N.M. 88062

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on March 5, 2012 if you wish the Commission to consider them before the March 14, 2012 meeting. We can not make exceptions to this deadline. However, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commission to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

March 2,2012

Mr. & Mrs. John E Hicks
6827 N Presgrove Ln.
Mc Neal Az. 85617

Sirs:

We live in this UN-INCORPORATED part of the county by purpose and by Choice. We enjoy our "ultra rural" freedoms and do not wish to be regulated to neighborhood type restrictions of office and industry. I hope you are aware we have NO fire protection or Law protection (by the time law enforcement arrived out here any incident would be over and all they could do would be write a report.)

We feel a "Old Tucson" type facility such as this would be better suited near Old Tucson or Tombstone

Respectfully : John E. and Louise Hicks



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Beverly Wilson, Senior Planner *BW*
For: Carlos De La Torre, Community Development Director

SUBJECT: Docket Z-12-02 (Jones)

DATE: February 29, 2012 for the March 14, 2012 Meeting

APPLICATION FOR A REZONING

This is a request to rezone a portion of a parcel of land from TR-18 (Residential, one dwelling per 18,000 square feet) to GB (General Business) to legitimize the commercial activities occurring on site. The subject parcel (Parcel #403-23-008A) is the result of combining two smaller parcels. The western portion is zoned TR-18, while the eastern portion is already zoned GB. The site is located at 10391 North Highway 191 in Elfrida. The Applicant is Mary Jones.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 61,707 square feet (1.42 acres)

Zoning: TR-18 (Residential, one dwelling per 18,000 square feet)

Growth Area: Category C

Area Plan: Elfrida Community Plan

Plan Designation: Developing Growth Area

Existing Uses: U-Haul Rental Business and coffee shop

Proposed Uses: GB (General Business)

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-18	Residential-one dwelling per 18,000 s.f.
South	GB	General Business-gas station
East	GB	General Business-vacant land
West	GB	General Business – Highway 191

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II. PARCEL HISTORY

A permit was issued on October 27, 2005 for a six-foot chain link fence.

A permit was issued on November 28, 2005 to build a 900 square foot Single Family Residence with porch and a sanitary septic system.

On February 28, 2006, a Home Occupation request for E-bay sales and services was denied by the Planning Department (see Attachment D).

On November 10, 2011, an anonymous complaint was received by the Department citing an existing used car lot and remodeling of the home into a restaurant. Upon investigation, the Inspector found a U-Haul rental business, unpermitted signs, new flooring being installed in the existing residence, and at least seven used vehicles for sale on site.

III. NATURE OF THE REQUEST

The Applicant seeks to change the zoning designation from R-18 (one dwelling per 18,000 square feet) to General Business (GB) to facilitate the existing use of this property, which is currently being used as a coffee shop and a U-Haul Rental office.

IV. ANALYSIS OF IMPACTS

Section 2208.03.A of the Cochise County Zoning Regulations lists fifteen (15) factors used to evaluate the appropriateness of a rezoning application. The Planning and Zoning Commission and the Board of Supervisors shall consider these in deciding whether to approve a rezoning, or

to deny a rezoning. In more typical “upzonings” (to a more “intense” district), there will be both factors in favor and factors against. Consequently, the importance of individual factors is heightened and are analyzed and balanced against other factors when making a recommendation; in other words, individual factors may weigh more heavily than other factors. As stated in Section 2208.03B of the Zoning Regulations, “No set of factors, however, can totally determine the acceptability of all land use proposals. For example, a property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may be able to receive approval in spite of non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a rezoning request may result in a denial even though the rezoning appears to comply with other factors.” Eleven of the fifteen factors are applicable to the rezoning request, and the request complies with nine of them. Two factors will comply with a waiver and conditions. Four of these factors are not applicable to this request.



This photo shows the proposed coffee shop, located in the center of the site.

Mandatory Compliance

The subject property lies within a Category “C”—Developing land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within “Developing” land use areas to request a rezoning to GB.

1. Provides an Adequate Land Use/Concept Plan. — Complies

The Applicant has provided sufficient information to comply with this requirement, although the site plan submitted must be corrected prior to commercial permit application to accurately reflect the newly combined parcels.



This photo is looking to the southeast at the entry and adjoining business.

2. Compliance with Applicable Site Development Standards. — Complies with Waiver

This parcel is capable of complying with all site development standards for commercial use as required for setbacks, site coverage, distance between structures, glare, noise, odors, landscaping, parking, and nuisance. However, this parcel abuts a residential use along the north property line. Regulations require screening between residential and commercial uses, and will apply to this rezoning. However, the Applicant has asked for a waiver of this requirement, and Staff supports this request, as the existing building is 50' from the north property line.

Access to this site at present is via a residential scaled access apron of 20 feet. The Applicant has been advised that the commercial apron standards require a 24 feet wide drive. They have also been advised that ADOT will require an Encroachment Permit along with ADOT commercial apron standards and they will need to coordinate with ADOT for any required improvements. This information is provided on the attached report from Karen Lamberton, Transportation Planner (See Attachment E).

3. Adjacent Districts Remain Capable of Development. — Complies

The adjacent parcel to the north of this site is zoned TR-18, with a storage shed sited near the property line. It does not meet the required setback of 20' at this time. The residence on this lot is sited in the center of two lots, one of which is 12,376 square feet, which is an existing non-conforming lot. The parcel adjoining to the south is currently zoned General Business. This proposed rezoning action will not change the non-conforming standards.

4. Limitation on Creation of Nonconforming Uses. — Complies

This rezoning will not result in non-conforming uses, as the surrounding area contains a mixture of commercial and residential uses.

5. Compatibility with Existing Development. — Complies

While the existing building gives the appearance of a residential structure with a large porch, the interior consists of a large room with tables, chairs, and a coffee pot. The U-Haul Rental business and the small coffee shop are compatible with the surrounding area.



This photo is looking to the northeast at the residential lot adjacent to the subject parcel.

6. Rezoning to More Intense Districts. — Complies

This request to rezone to GB will be compatible with all surrounding parcels except along the northern parcel line. The subject parcel fronts Highway 191 as it runs through the town center of Elfrida. There is a mixture of commercial and residential uses along both sides of Highway 191.

7. Adequate Services and Infrastructure. — Complies

As proposed, rezoning this parcel will not create a significantly higher traffic volume as analyzed by the County Transportation Planner (See Attachment E).

There is adequate existing infrastructure to support the commercial use of this parcel. The property is served by the Elfrida Water District and has a private sanitary sewer system. SSVEC provides electricity, and gas is provided by Southwest Gas. Copper Valley provides telephone service and the property is protected by the Elfrida Fire District.

8. Traffic Circulation Criteria. — Complies with Condition

The change to a GB Zoning District will not burden the existing transportation infrastructure. However, the eastern portion of the newly combined parcel takes access from West Jefferson Road. This portion of the parcel is unimproved with a native surface and is currently used by the Applicant for storing the U-Haul trucks and trailers available for rent by the public. Per Section 2208.03B8(b) of the Zoning Regulations, residential streets will not be used for any through traffic. Condition #3 will require the Applicant to install a gate to provide access from the fenced western portion of the parcel to this eastern portion.

9. Development along Major Street. — Complies

This proposal does not include new access points to Highway 191, and as stated above, the Applicant has been advised that ADOT will require an Encroachment Permit along with ADOT commercial apron standards and they will need to coordinate with ADOT for any required

improvements. This information is provided on the attached report from Karen Lamberton, Transportation Planner (See Attachment E).

10. Infill. — Not Applicable

This rezoning factor intends to encourage infill in areas where commercial and industrial development exists if rezoning to GB, LI or HI, however the site is not in an existing Enterprise or Enterprise Redevelopment plan designation area.

11. Unique Topographic Features. — Not Applicable

12. Water Conservation. — Not applicable

13. Public Input — Complies

The Applicant conducted a Citizen Review, and received several telephone calls. The Planning Department mailed a legal notice to property owners within 300 feet of the site, posted notices at the site, and a legal notice was published in the *Sierra Vista Herald*. At the time of this memorandum, the Department has received no communication regarding this proposal.

14. Hazardous Materials. — Not applicable

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. — Complies

This proposal complies with the policies of the Comprehensive Plan for a Category C growth area, as it is located in a clustered settlement on a major road, and proposes to serve the surrounding rural/agricultural community as well as visitors who may pass through. It also complies with the Elfrida Area Plan, which seeks to: “*Promote the economic well-being of Elfrida by encouraging business, industrial and residential growth compatible with the rural character of Elfrida and its environs.*”

V. SUMMARY

An evaluation of all rezoning criteria, per the Cochise County Zoning Regulations, has been performed and staff finds the following factors in favor and against apply to this rezoning request:

Factors in Favor of Approval

1. The Comprehensive Plan and Zoning Regulations allow consideration of the proposed GB zoning for this parcel. The commercial use is consistent with the Category C and “Developing” Comprehensive Plan land use designation.
2. The requested rezoning will legitimize the commercial use of the land.
3. Of the fifteen (15) factors used to evaluate the appropriateness of a rezoning application, nine factors comply; two comply with a waiver and conditions; and four are not applicable.
4. There have been no responses from the neighborhood to this request.

Factors Against Approval

There are no apparent factors against approval.

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission recommend approval of Docket Z-12-02 to rezone parcel # 403-23-008A from R-18 to General Business, subject to the requested waiver for screening requirements and the following conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void; and
2. It is the Applicants' responsibility to provide a revised site plan in conformance with all site development standards except as waived below, to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
3. Prior to commercial permit issuance, the Applicant will install a gate to provide access from the fenced western portion of the parcel to the eastern portion which is being used to store unrented U-Haul trucks and trailers.

Sample Motion: *Mr. Chairman, I move to recommend approval of Docket Z-12-02, rezoning Parcel # 403-23-008A from R-18 to General Business, with the requested waiver for screening requirements and the conditions of approval recommended by staff.*

VII. ATTACHMENTS

- A. Rezoning Application
- B. Location Map/Site Map
- C. Public Comment
- D. Denial Letter dated 2.28.06
- E. Transportation Planner Memo dated 2.17.12

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: MARY Jones

2. Mailing Address: 3577 Jefferson Rd

Elfrida Az 85610

City State Zip Code

3. Telephone Number of Applicant: 520 678-8238 (Rick)

4. Telephone Number of Contact Person if Different: ()

5. Email Address: tombstonemare@yahoo.com

6. Assessor's Tax Parcel Number: 403-23-008 (Can be obtained from your County property tax statement)

7. Applicant is (check one):

- ☒ Sole owner: ✓
- ☐ Joint Owner: _____ (See number 8)
- ☐ Designated Agent of Owner: _____
- ☐ If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- ☐ List attached (if applicable): _____

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:

- ☐ If corporation, corporate resolution designating applicant to act as agent: _____
- ☐ If partnership, written authorization from partner: _____
- ☐ If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:
- Copy of deed of ownership: _____
 - Copy of title report: _____
 - Copy of tax notice: ☒ _____
 - Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?
- Yes _____ No ☒ _____

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No ☒ _____
- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR-18

14. Indicate proposed Zoning District for Property: GB

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: C Developing (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: Complex building
portable building

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: Complex building - tire repair
portable building for U-haul & place for coffee drinkers

19. Are there any deed restrictions or private covenants in effect for this property?

- No ☒ Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

Hwy 191, already there
 And approved in 2005

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None, done in 2005

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Elfrida Water District	in place
Sewer/Septic	private	
Electricity	SSVEC	in place
Natural Gas	Southwest	
Telephone	Copper Valley	
Fire Protection	Elfrida fire district	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

legitimize a business use -
prior to violation.

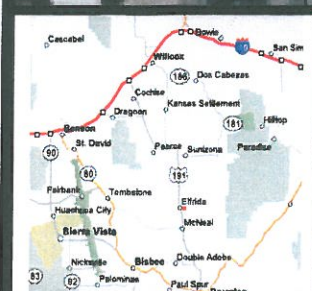
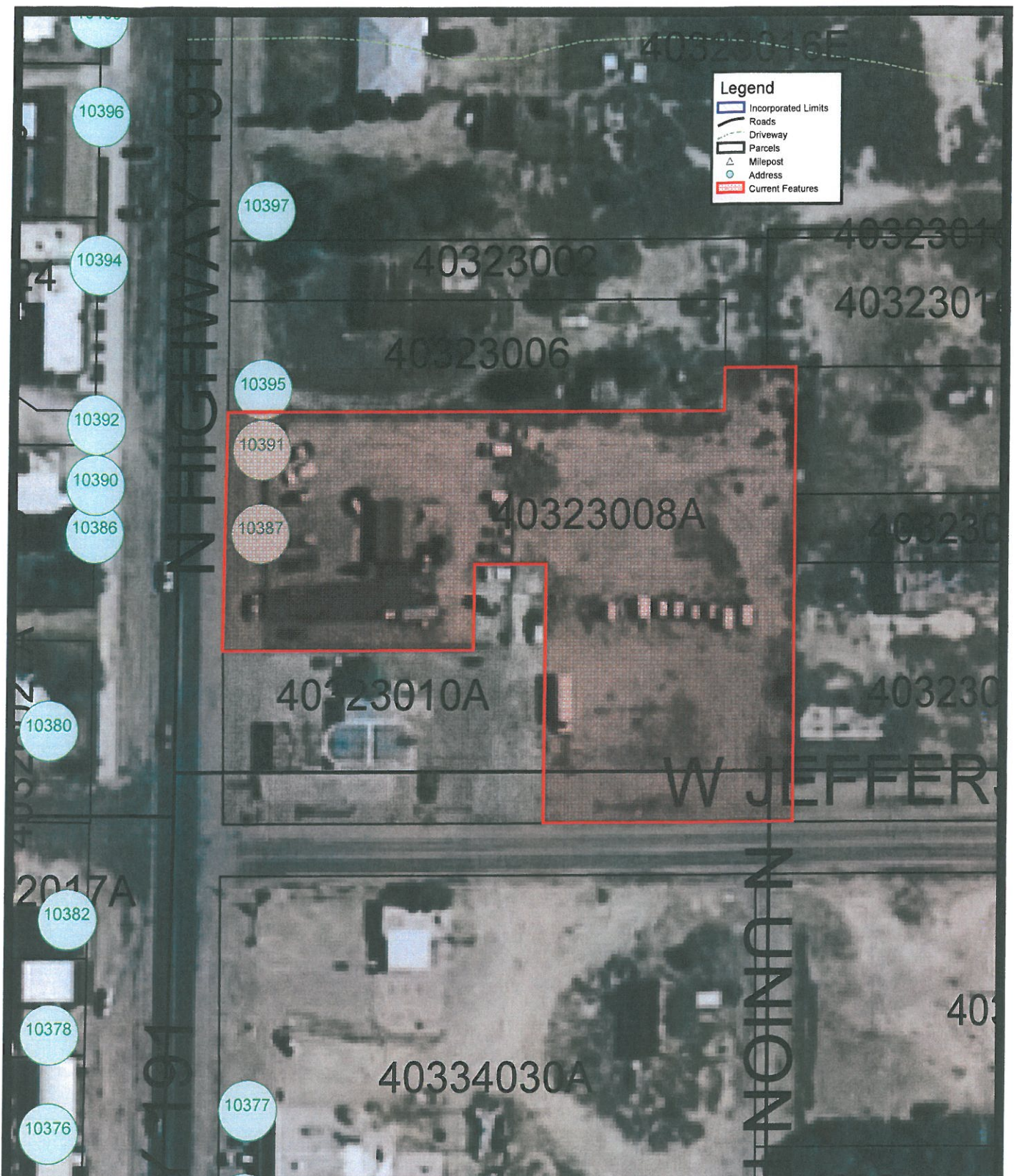
25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: _____

Date: 1/5/11

Mary Jones



Location Map

This map is a product of the
Cochise County GIS



0' 1" = 80'

Dear Neighbor,

I am writing to let you know that we are rezoning

Parcel #403-23-008

From TR -Residential to GB-General business

If you have any concerns or questions please feel free to contact me at
tombstone mare@yahoo.com or 614-325-6202.

Thank you so much

Rick & Mary Jones



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Judy Anderson, Director

February 28, 2006

Mr. Rick Jones
3577 Jefferson Rd.
Elfrida, AZ 85610

RE: Home Occupation; Tax Parcel #403-23-008

Dear Mr. Jones:

The Planning Department has reviewed the submitted home occupation questionnaire and with regret is not able to approve your application for this use. The proposed operation, ***E-bay sales and services***, as represented by your questionnaire, may not be categorized as a home occupation. The parameters of home occupations require that there shall be no outdoor display of materials, goods, supplies or equipment. You have indicated that there will be a vehicle and/or a car trailer stored outside on occasion; therefore, the proposed activity violates this component of the home occupation definition. The enclosed handout details home occupation criteria.

In addition, the definition of home occupations suggests that the nature of activities be more similar to "personal and professional services", those activities which keep with a residential appearance and which have a minimal potential impact on neighbors. Your parcel is zoned TR-18 (Transitional-Residential; one dwelling per 18,000 square feet); unfortunately, vehicle sales is not a permitted use or special use in this Zoning District.

If you have any further questions or concerns regarding your request, please feel free to contact me at 432-9240.

Best regards,

Michael Turisk,
Planner

Encl (1): Home Occupation brochure

Pc: Home Occupation file, Parcel file, Zoning Enforcement Officer



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

Tel: (520) 432-9240

Fax: (520) 432-9278

Judy Anderson, Director

HOME OCCUPATION QUESTIONNAIRE

TR-18
C

Please fill out this questionnaire completely. The Planning Department will review the questionnaire and respond by mail whether or not the proposed business/services fits within the home occupation provisions. No home occupation may be conducted without prior written approval from this Department.

Name of the applicant(s) (PLEASE PRINT): ~~XXXXXXXXXXXX~~ Rick Jones
Name of the property owner if you are not the owner: Rick Jones
(Letter of permission must be attached if the applicant is not the property owner)
Mailing address: 3577 Jefferson Rd
Elfrida, AZ Zip Code: _____
Address of the proposed use: 10390 Hwy 191, E
(if different from mailing) Elfrida, AZ Zip Code: 85610
Phone Number: 642-1307
Parcel Number*: 403-23-008

*(Must provide parcel number for processing, it can be found on Tax Statement, also known as Tax Parcel I.D. Number)

1. Describe the nature of the proposed home occupation, the activities that will take place, and the **primary** function for the proposed space. (Please use a separate sheet to provide us with any additional information that will help us better understand the nature of your business.)

E-Bay Sales & Services

2. Where will the operation be performed:
In a detached workshop, in the residence, or others: Bed Room
A. Please indicate the total square footage of your residence: 640 sq ft
B. Please indicate the total square footage of the area to be utilized: 20 sq ft
(Please submit a conceptual drawing for the proposed space in relation to the residence, see sample drawing)

3. Will any persons other than the residents of the dwelling be employed in the conduct of the home occupation? no If so, how many? _____
4. Will anything outside of the residence or workshop (other than one permitted, non-illuminated sign no larger than 4 square feet and vehicular signs) indicate that a business is taking place? no
5. Will any hazardous material be used for the business? no
If yes, please describe the material: _____
6. Will any equipment, products or materials be stored outside? some


1 VEHICLE AT TIMES
1 CAR TRAILER

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7. Will any noise, vibrations, noxious odors, dust, heat, or glare related to the home occupation be detectable off-site? NO
8. Will the primary function of the occupation be the sale or rental of goods from the site? NO
9. Describe any traffic (vehicles per day or vehicles per week) you expect in addition to the traffic currently generated by residents. NONE
10. How many on-site parking spaces are available in addition to those required by your personal vehicles? 5
11. Will the proposed use require the establishment of a new septic system? NO
12. Are any new accessory structures, such as a detached workshop, proposed for the home occupation? NO
Is the residence an existing structure, under construction, or proposed for construction? NO
Is any remodeling/reconstruction of an existing structure in excess of \$500 involved? NO
If yes to any of these questions, has a residential permit been applied for and approved? _____
Please indicate permit number and date approved: _____

It is the applicant's responsibility to obtain any additional permits, or meet any additional conditions, if any, that may be applicable to the proposed activity pursuant to other federal, state or local laws or regulations.

I CERTIFY THAT THE ABOVE STATEMENTS AND ANSWERS ARE TRUE AND COMPLETE:

Signature: 

Date: FEB 6 / 06

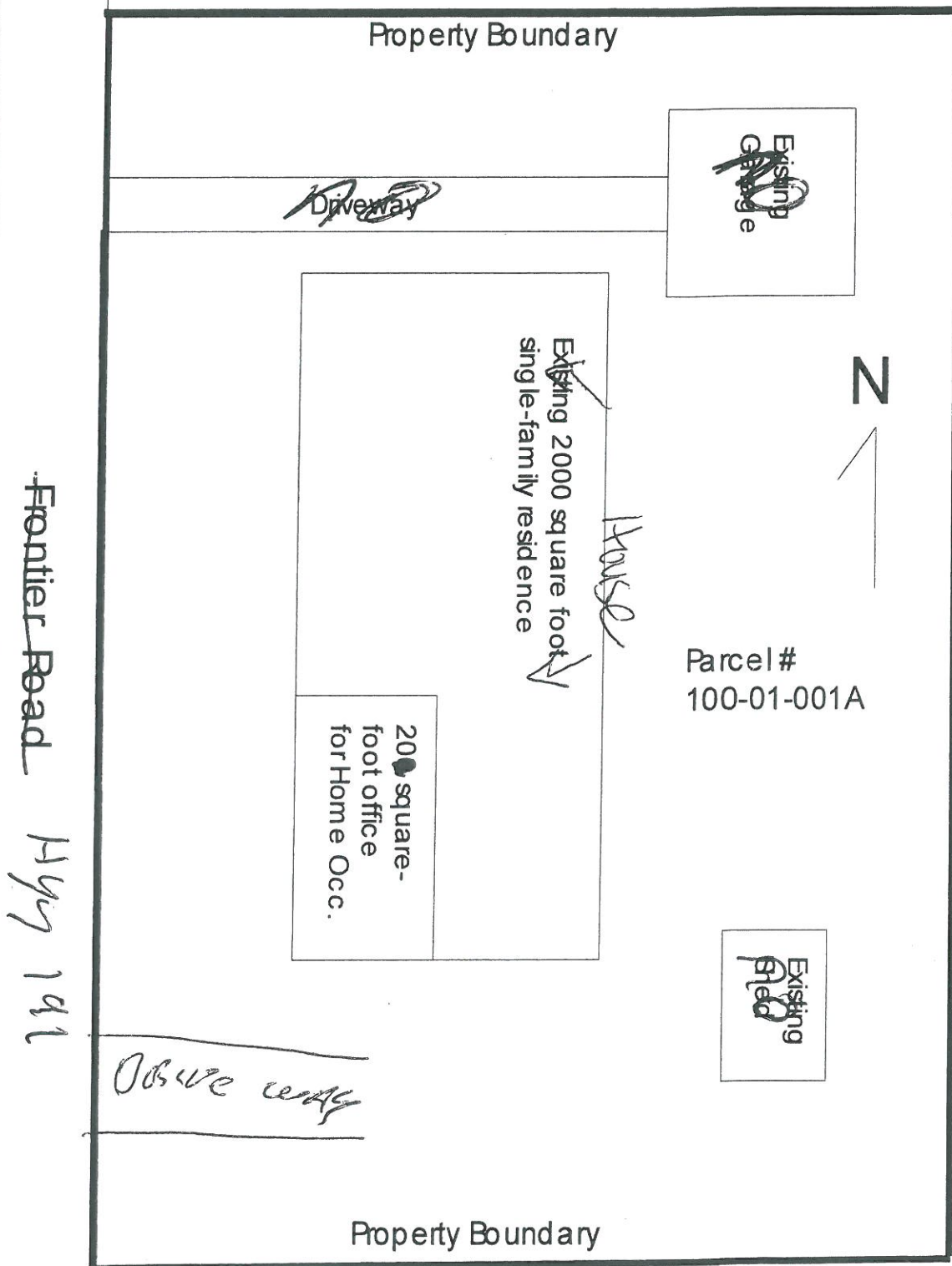
- FOR OFFICIAL USE ONLY -

Parcel History:

Comment from the Health Department:

Comment from the Planning Department

Home Occupation Sample Drawing



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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos de la Torre, P.E., Community Development Director

MEMORANDUM

TO: Beverly Wilson, Interim Planning Manager

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Jones Tire/U-Haul and Coffee Shop: Z-12-02\Parcel #403-23-008

DATE: February 17, 2012

The applicant has proposed to rezone from TR-18 to a GB in order to continue to operate a business at this location. The site takes access from Highway 191 in the Elfrida area. This mix of uses located on an estimated half acre lot has potential, in an urban area, of generating a notable amount of traffic with thresholds over 500 trips per day, per the ITE Manual, 8th edition (tire repair services, rentals and small coffee shop). However, this threshold is clearly excessive for the scale of services offered at this site and the average highway traffic of the area (estimated 1,440 trips per day). In spite of the business being open seven days a week (limited - 9 am to 1 pm - hours on the weekends) it is likely that this business has slightly higher traffic than would be present in a residential zone. A residential unit is also still on the property. Additional information about the operation of this business would be needed to calculate an estimated traffic generation; a very rough estimate based on the size of the buildings on the site would be a range from 34 to 48 trips per day. Most trips would occur during off-peak hours.

At present a residential scaled access apron is indicated on the site plan (20 feet) which would not meet an ADOT commercial access apron standard. Typically, a minimum of 24 feet with 35 foot radii is needed of an asphalt-concrete surfaced apron and the applicants will need to obtain an Encroachment Permit along with ADOT commercial apron standards and coordinate with ADOT for any required improvements. It would not appear that additional off-site improvements would be needed based on the lack of peak hour traffic volumes.

The applicant is also advised that there are numerous site development standards for commercial uses related to designated parking spaces, handicapped parking spaces, graveled surfaces and other standards that are not presently met on this residentially zoned parcel. These improvements will be required to be made at the commercial permitting stage and/or variances obtained for each of those standards. At present, the site is an unimproved native surfaced lot with a portion of the lot fenced.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning proposes a mix of fairly low traffic volume uses that likely have slightly higher vehicle trips per day than the existing zoning would allow. Should the proposal change to more intensive uses that result in heavier impacts mitigation may be required at the permitting stage appropriate to the final site development plans.

A revised site plan showing the correct alignment of Highway 191 with additional driveway detail will be needed at the commercial permit stage. (Radii, sight triangle, surfacing etc.)

The applicants are advised that it is their responsibility to contact the ADOT, Safford District's Permit office and notify them of the change of use from residential to commercial and complete any required upgrades to a commercial standard apron. Permit information is available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact Armando Membrila, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915

cc: Docket Z-12-02; Hwy Dept., ADOT



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety


1415 Melody Lane, Bisbee, Arizona 85603

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Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Michael Turisk, Planning Division Manager 
For: Carlos De La Torre, Community Development Director
SUBJECT: Docket SU-12-01 (Ritenour)
DATE: February 28, 2012 for the March 14, 2012 Meeting

REQUEST FOR A SPECIAL USE

Docket SU-12-01 (Ritenour): The Applicant is requesting Special Use authorization to establish and operate a powder coating business in a General Business zoning district, per Section 1205.01 (Manufacturing) of the Cochise County Zoning Regulations. The Applicant proposes to use an existing 1,500 sq.-ft. tenant space located at 689 W. Fry Blvd. in Sierra Vista (parcel no. 106-70-111). The Applicant is Mr. Zane Ritenour.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 22,500 sq.-ft.
Zoning: GB (General Business)
Growth Area: Category A (Urban Growth Area)
Plan Designation: ENT – Enterprise Redevelopment
Area Plan: Sierra Vista Sub-watershed
Existing Uses: Storage

Surrounding Zoning

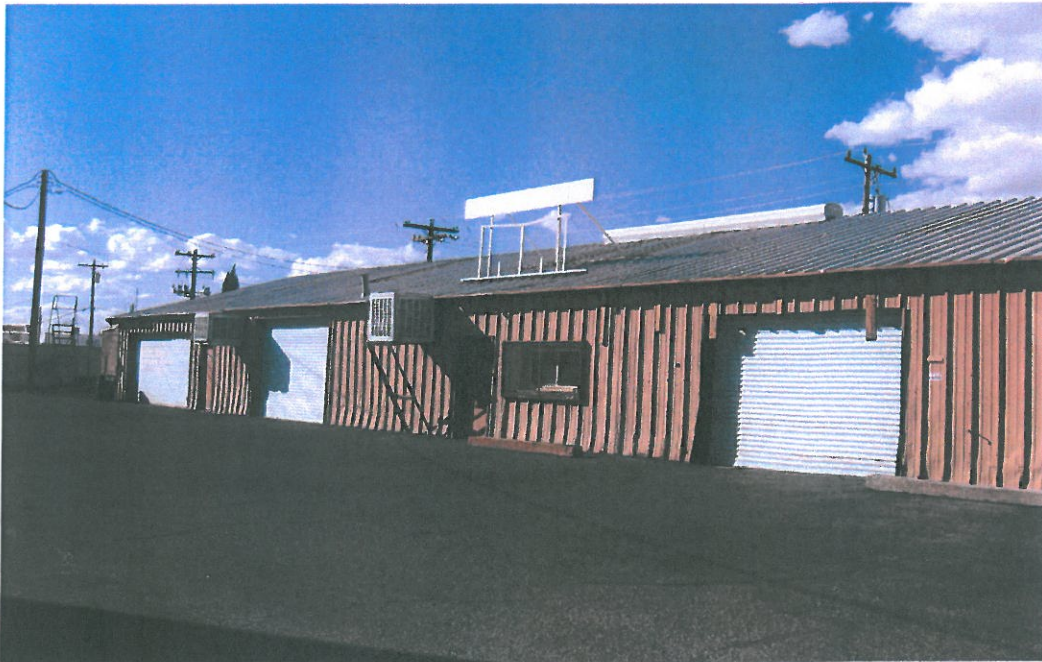
Relation to Subject Parcel	Zoning District	Use
North	General Business	Builders' Supply
South	General Commercial (per City of Sierra Vista)	Black Rose Too Tattooists
East	General Commercial (per City of Sierra Vista)	Filiberto's Mexican Food
West	General Commercial (per City of Sierra Vista)	Orbital Games; M&M Auto Parts

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II. BACKGROUND

Powder coating is considered a manufacturing activity for the purposes of permit review, and thus requires Special Use approval in the General Business zoning districts. Powder coating is a finishing technology that applies a decorative and protective finish to a wide range of materials and products. The process involves the application of a baked-on colored powder that fuses with metal surfaces. The material used for the process is a mixture of finely ground particles of pigment and resin sprayed onto the surface to be coated. The charged powder particles adhere to the electrically grounded surfaces until heated and fused into a smooth coating in a curing oven. Unlike conventional painting methods, powder coating is generally considered “environmentally friendly” and uses and produces virtually no volatile organic compounds (VOCs) or other hazardous materials.

The proposed project facility is in a clustered shopping area located near the northwest corner of Fry Blvd. and 6th St. in a County enclave in Sierra Vista. The business would occupy a 1,500 sq.-ft. unit in a 3,900 sq.-ft. three-unit industrial-type factory-built metal building. The hours of operation would be from 8 am to 5 pm, Monday through Saturday. Initially, the business is expected to have one employee, with another employee possibly on staff in the future. The Applicant expects about 10 vehicle visits per day, not including occasional delivery trucks.



Northwest view of facility

III. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Eight of the 10 criteria apply to this request. The project complies with six factors and does not comply with two.

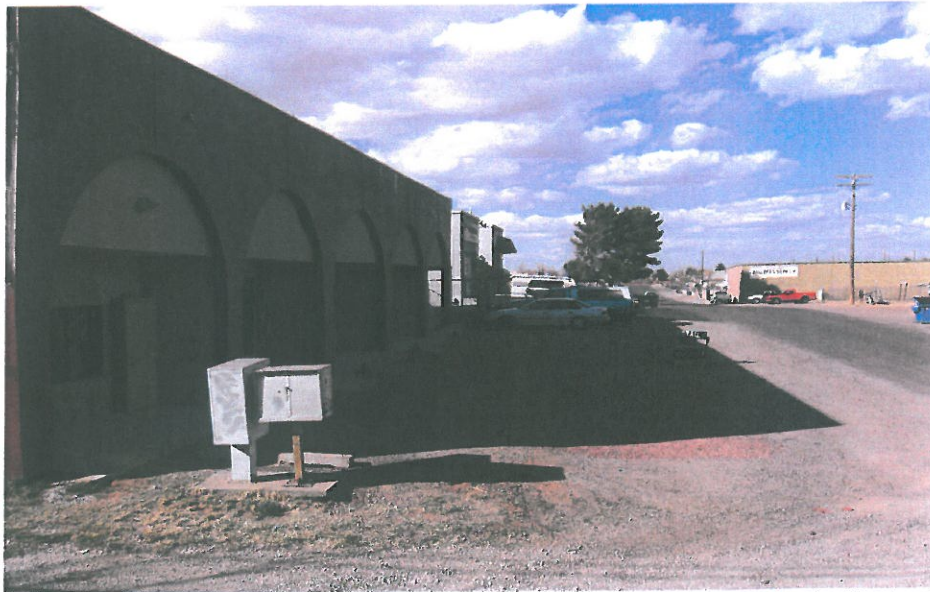
A. Compliance with Duly Adopted Plans: Complies

The project site is within an area designated by the Cochise County Comprehensive Plan as "Enterprise Redevelopment." These are areas identified as having a mix of commercial and residential uses and that are in need of improvement and capital investment. To help facilitate improvements, uses in these areas are afforded comparatively more flexibility with compliance with site development and building code standards. The proposed Special Use complies with the intent of the Enterprise Redevelopment land-use designation in the Comprehensive Plan, and represents a progression toward a commercial activity that is well-suited for the Fry Town site environs which is comprised of a mix of commercial, light industrial, institutional, and residential properties.

The property is also within the Sierra Vista Sub-watershed, and thus subject to the water conservation requirements in the Sub-watershed Plan. If approved, a standard condition recommended by staff for all Special Uses would ensure compliance with the policies provided in the Plan during the commercial permit phase.

B. Compliance with the Zoning District Purpose Statement: Complies

The purpose statements provided in Article 12 for the General Business zoning districts do not directly address manufacturing uses, except to say that commercial uses ought to be protected "from objectionable influences of industrial uses as well as incompatible residential development." One purpose statement is "to encourage concentrated development of commercial activities for the convenience of the public." The proposed location of the powder coating business is a short distance off Fry Blvd., a major commercial corridor in Sierra Vista, and is adjacent to a major business district, and therefore, consistent with that particular purpose. Moreover, although the proposed use is more akin to an industrial or manufacturing use than a General Business use, it meets the intent and spirit of the General Business district in this area because of the mix of light industrial and, to a lesser degree, residential uses.



Southward view along 6th St. as seen from the southern edge of the subject property. The facility is within an area characterized by general business and light industrial uses

C. Development Along Major Streets: Not Applicable

If approved, the project would not require development such as curb cuts along Fry Blvd. or 6th St.

D. Traffic Circulation Factors: Does Not Comply

As noted above, the proposed business site is an existing building located off Fry Blvd., a major arterial in Sierra Vista, and 6th St., a County-maintained, 24-ft. chip-sealed, urban collector. The use would not result in any traffic passing through residential streets, as this portion of 6th St. largely serves an established commercial district.

Per our County Transportation Planner, no off-site improvements are necessary at this time, as it is determined adequate as constructed and maintained for the scale of the proposed use. However, the submitted site plan does not accurately reflect existing parking availability and understates the site constraints presented for delivery trucks, turning movements and sight visibility. The area in front of the facility cannot accommodate both front end parking spaces as well as a two-lane travel way. Other encroachments, such as signs and utility poles into the parking area, limit parking in other areas. In addition, the submitted site plan is lacking a disabled parking space.

In addition, the driveway off Fry Blvd. does not meet the minimum 24-ft.-wide commercial standard, and is located too closely to the 6th St. intersection. The driveway and site do predate the proposed use by many years, however. This 6th St. access point also predates this use, and is currently under the jurisdiction of the City of Sierra Vista. The Applicant estimates the use would generate 20 vehicle trips per day, not including occasional truck deliveries. However, the increased traffic volume would not add significant stress to the existing road system; a small-scale operation such as this would not significantly change area traffic patterns or volumes and would be easily absorbed into the existing traffic pattern.

If approved, however, a revised site plan would be required at the commercial permitting phase indicating how and where the applicant intends to serve patrons' parking needs and receive deliveries.

E. Adequate Services and Infrastructure: Complies

Adequate services exist in this heavily developed portion of the County and City. Fry Fire District would provide fire protection, and the use is unlikely to generate significant pressure on local infrastructure, including Fry Blvd. and 6th St.

F. Significant Site Development Standards: Does Not Comply (See Requested Modifications and Waivers)

A host of development standard Modifications and Waivers are required due to the existing site conditions. As noted in Section A above, however, in order to facilitate or encourage development in the Fry Town site, the Zoning Regulations state that "flexibility in site development and building code standards may be appropriate to facilitate investment" for areas designated by our Comprehensive Plan as Enterprise Redevelopment. This is particularly important in light of existing conditions on properties such as this. Moreover, the City of Sierra Vista has a similar policy that allows for relaxation of minimum site development standard requirements in this area.

Allowing the existing development on the property to remain as it exists would not result in undue impacts to the surrounding area, nor would it result in a development out of character with its surroundings. For these reasons, staff supports the following Modifications and Waivers of development standards:

Setbacks

The minimum setback for Special Uses in the GB zoning district is 80-ft. The submitted site plan shows very small setbacks along the property boundaries, and the building as it exists could not come close to meeting minimum setback requirements. Approval would require Modifications to the minimum setback requirements, and although they would be significant, staff supports allowing the existing setbacks for the reasons noted above.

Maximum Site Coverage

Small lots covered by extensive impervious surfaces characterize the neighborhood in which the use exists. The facility, parking, and driveway areas create almost 100% site coverage, so a Modification of the 85% site coverage maximum permitted in the GB Districts would be required, otherwise the Applicant would need to remove portions of the impervious surface treatment to meet the maximum standard.

Parking

The parking requirement for this type of use is one space per 1,000 square feet of gross floor area, or one space per three employees in the largest working shift, whichever is greater. The site plan indicates the location and number of available parking spaces. Although there are concerns about internal circulation, the site can accommodate the minimum number of spaces for the use.

Screening

Except for outdoor storage areas, screening is not required because the proposed business site is surrounded by other commercially zoned property. No outdoor storage is proposed as part of the project.

Landscaping

Landscaping is required for commercial/non-residential uses in Category A Growth Areas. However, a waiver of this requirement is recommended because landscaping has not been provided on this site in the past, and the immediate area is heavily developed with long-existing commercial uses. What's more, landscaping even at the minimum 5% of the site as required would likely require removing impervious surface that has existed since before the County adopted landscaping requirements.

Loading Space

Due to site constraints, staff requests a Waiver from the requirement for one 12' x 45' loading space. The use is not expected to generate a great deal of traffic from large delivery trucks. If approved, however, the Applicant must submit a revised site plan indicating where deliveries would be received.

G. Public Input: Complies

The Applicant mailed letters regarding the proposed Special Use to property owners within 1,000-ft. of the subject parcel. No responses were reported. Official notice from the Community Development Department was sent to all property owners within 300-ft. of the subject property at least 15 days prior to the scheduled Commission hearing date. The subject property was posted and a legal notice was published in the *Bisbee Observer*. To date, no letters in support or protest have been received.

H. Hazardous Materials: Not Applicable

The Applicant has indicated that no hazardous materials would be used and/or stored on the site.

I. Off-site Impacts: Complies

Outdoor activities and/or uses associated with the proposed business include pick-ups and deliveries of materials and supplies, sandblasting, and operation of an air compressor. If this Special Use request is approved, the Applicant would have to submit construction plans that indicate the location and design of all equipment involved in the operation of the business. All structures and operations will be subject to building, electrical and fire codes. The Applicant has not proposed any noise abatement measures, although the proposed site is not directly adjacent to any residential uses, and it is uncertain whether the noise generated by the business during normal working hours would create a nuisance. Regardless, the use would be subject to the restrictions on noise, odors, and other nuisances as required in the GB zoning district.

The Applicant indicates that no off-site impacts would be generated. However, it seems reasonable to conclude that some noise or other activities associated with the operation might be perceptible off-site. The site is surrounded by commercial uses, and the project is small-scale, so staff's position is that any off-site impacts would be typical for the neighborhood.

J. Water Conservation: Complies

The Applicant suggests that a minimal amount of water would be consumed in the operation of the proposed powder coating business. The subject parcel is located within the Sierra Vista Sub-watershed; therefore, any *new* non-residential development is subject to the policies outlined in the Sub-watershed Plan. However, no new construction is proposed, and the subject property is connected to the City's recharging wastewater treatment facility, thereby obviating storm water recharge, which would not be feasible on such a small lot. Landscaping is nonexistent, and no water features are existing or proposed. Therefore, the use is in conformance with this policy.

IV. SUMMARY AND CONCLUSION

The request is to grant Special Use approval to allow the operation of a powder coating business in an existing metal structure in a County enclave in Sierra Vista. The following factors address the request:

Factors in Favor of Approval

1. With the recommended conditions, the project would comply with eight of the nine applicable Special Use evaluation factors;
2. The proposed Special Use complies with the intent of the Comprehensive Plan designation of Enterprise Redevelopment and with the zoning district purposes of the GB zoning district;
3. The proposed use is a relatively low-impact manufacturing operation that is well suited for an area comprised of a mix of commercial, light industrial and residential properties;
4. The proposed business site is located in a major commercial district just off a major arterial in Sierra Vista, and near other businesses that may be complementary;
5. Approval of the Special Use would provide a location for an existing business that would not impact residential streets;
6. The proposed business site is located in an existing building; and
7. The proposed use would help to stimulate the local economy of an area that would benefit from this type of redevelopment.

Factors in Favor of Denial

1. The subject parcel is not of an adequate size to meet all site development standards; and
2. The proposed use would possibly generate some off-site noise impacts.

V. Recommendation

Based on the Factors in Favor of Approval, the Community Development Department recommends *conditional* approval, subject to the following conditions:

1. Within thirty (30) days of approval, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. Prior to permit issuance, the Applicant shall submit detailed plans for equipment to be employed in the powder coating operation. All powder coating equipment shall comply with the building, fire and mechanical codes;
3. No powder coating activities shall occur outdoors. Powder coating activities shall be conducted in enclosed and ventilated areas or ventilated booths;
4. Prior to permit issuance, an inspection report by the Fry Fire District shall be submitted;
5. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and

6. Any changes to the approved Special Use shall be subject to review by the Community Development Department and may require additional modification and approval by the Planning and Zoning Commission.

Staff recommends approval of the following Modifications and Waivers:

1. A Modification to the 80-foot setback required for Special Uses in a GB District (Section 1203.02);
2. A Modification to the 85% site coverage limit in a GB District (Section 1203.03);
3. A Modification of the minimum 20-ft.-wide driveway requirement for non-residential uses (Section 1807.02) to allow the existing width;
4. A Modification of Section 1807.02 which indicates that no use shall take direct permanent access onto an arterial street at any point within 200 feet of a street intersection in Category A and B Growth Areas.
5. A Waiver from Category A landscaping requirements as required by Section 1806; and
6. A Waiver from the requirement for one 12' x 45' loading space (Section 1804.10.A).

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-12-01, with the conditions of approval as recommended by Staff and with the Modifications and Waivers to site development standards as requested, with the Factors in Favor of Approval constituting findings of fact."*

VI. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Citizen Review Letter
- E. Staff Comments



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 106-70-111 ZONING DISTRICT GB
APPLICANT: Zane Ritenour
MAILING ADDRESS: 2077 Cougar Pl., Heachuca City, Az 85616
CONTACT TELEPHONE NUMBER: 520-249-4591
PROPERTY OWNER (IF OTHER THAN APPLICANT): Dave Perryman
ADDRESS: 689 W. Fry Blvd.
Sierra Vista, Az. 85635
DATE SUBMITTED: Jan. 25, 2012

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ _____
\$ 300 —
\$ _____

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

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6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Commercial Rental (Services offered and rental)
2. What is the proposed use or improvement? Powder coating business
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Prep work (to include sandblasting) & Powder coating (B) None - no impact on neighboring properties

4. Describe all intermediate and final products/services that will be produced/offered/sold.

Powder Coating

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Factory Built metal building

6. Will the project be constructed/completed within one year or phased? One Year _____
Phased _____ if phased, describe the phases and depict on the site plan.

N/A

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 6 Hours (from 0800 AM to 1700 PM)

B. Number of employees: Initially: 1 Future: 1
Number per shift Seasonal changes N/A

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

Estimated: Approximately 10 Daily

(2) Total trucks (e.g., by type, number of wheels, or weight)

① - UPS Truck

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

East and West, Fry Blvd.

(4) If more than one direction, estimate the percentage that travel in each direction

50% each direction

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Early morning, lunch time hours, & evening

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 5-10 gallons per year 3,650 gallons

E. Will you use a septic system? Yes ___ No ☒ If yes, is the septic tank system existing? Yes ___ No ___
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes ___ No ___
If no, what steps are you taking to obtain such access?

N/A

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):
private road or easement**
☒ County-maintained road
State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached ___ NA ☒

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>Sierra Vista Water</u>	
Sewer/Septic	<u>Public Sewer</u>	
Electricity	<u>SSVEC</u>	<u>System upgrade to (3) Phase</u>
Natural Gas	<u>Southwest Gas</u>	<u>Pressure Tested</u>
Telephone	<u>Century Link</u>	
Fire Protection	<u>Fry Fire District</u>	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

None

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No ☒ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. N/A
3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No ☒ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? N/A
4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No ☒ if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? N/A
5. Will odors be created? Yes ___ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? N/A
6. Will any activities attract pests, such as flies? Yes ___ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? N/A
7. Will outdoor lighting be used? Yes ___ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes ☒ No ___ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. 4x8 B. _____ C. _____ D. _____
32 sq. ft.

9. Will any new signs be erected on site? Yes ___ No ☒ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes ___ No ☒

If yes, will storm water be directed into the public right-of-way? Yes ___ No N/A

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ___ No N/A

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

asphalt

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? N/A
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) N/A

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No _____ Yes _____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Date signed 1/25/12



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Hazardous Materials Attachment

Firm's current name: Zane's Powder Coating

Current location: 689 B W. Fry Blvd., Sierra Vista, AZ. 85635

Fire district: Fry Fire District

Nearest main intersection with street names: 6TH Street & Fry Blvd.

Distance: 100 Feet ~~miles~~ Direction: Southeast

Firm's previous location(s)

Previous name(s) of firm/operation: N/A

Previous location(s): N/A Date(s): N/A

Previous compliance/accident history: N/A

Date(s): N/A

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

<u>Material</u>	<u>Quantity</u>
-----------------	-----------------

<u>Material</u>	<u>Quantity</u>
-----------------	-----------------

<u>Material</u>	<u>Quantity</u>
-----------------	-----------------

<u>Material</u>	<u>Quantity</u>
-----------------	-----------------

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

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3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

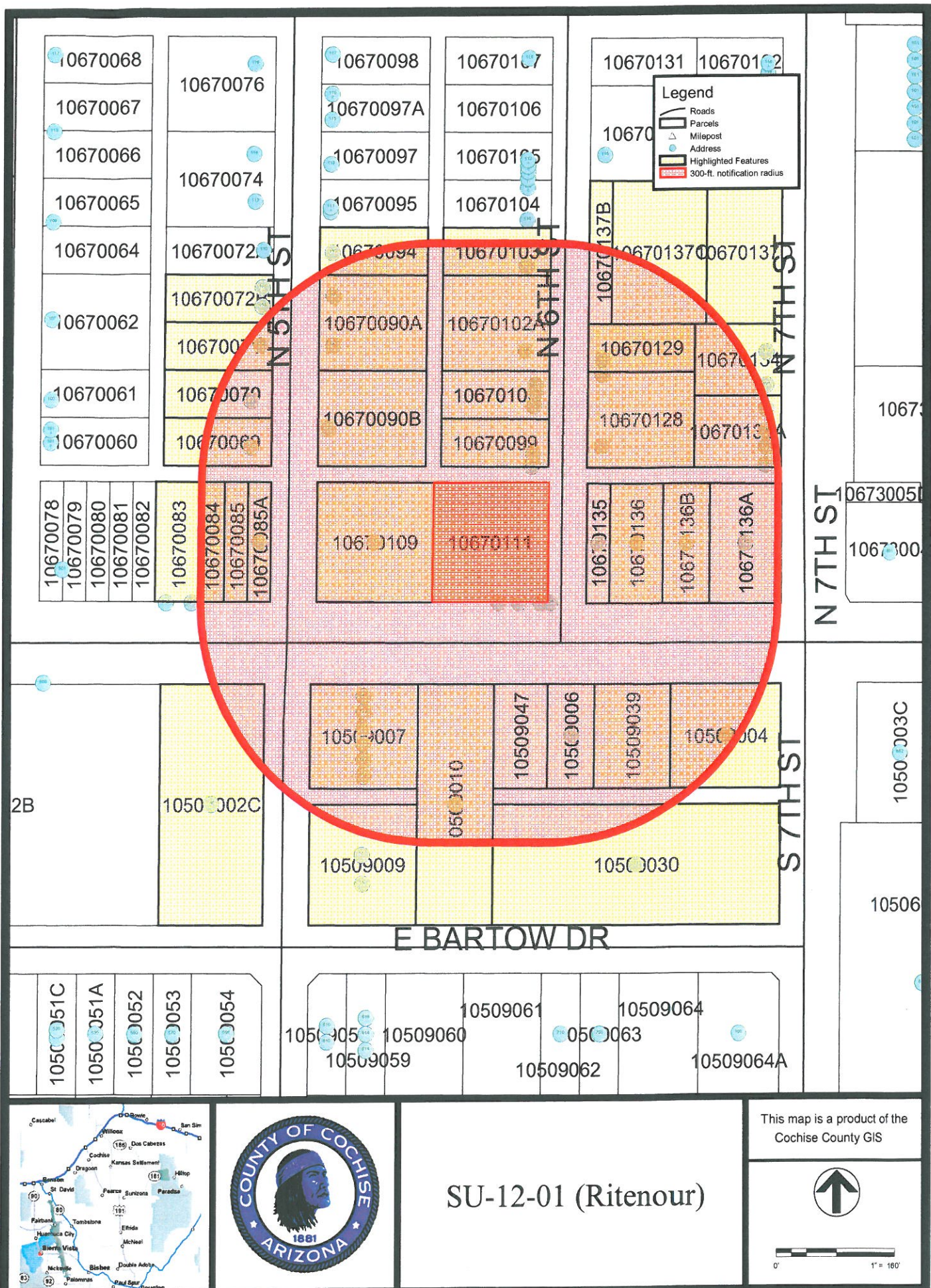
No

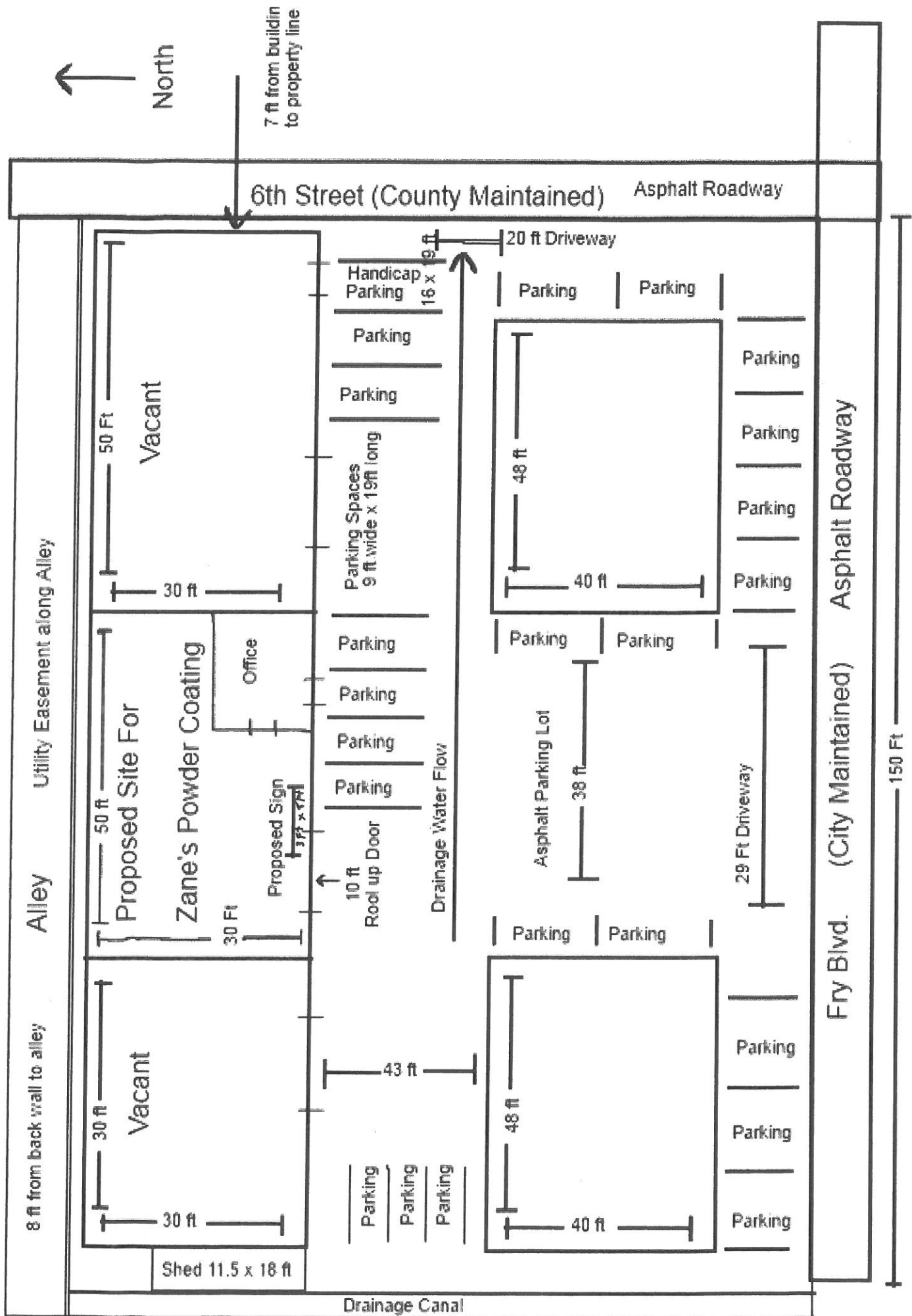
5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

Signature _____

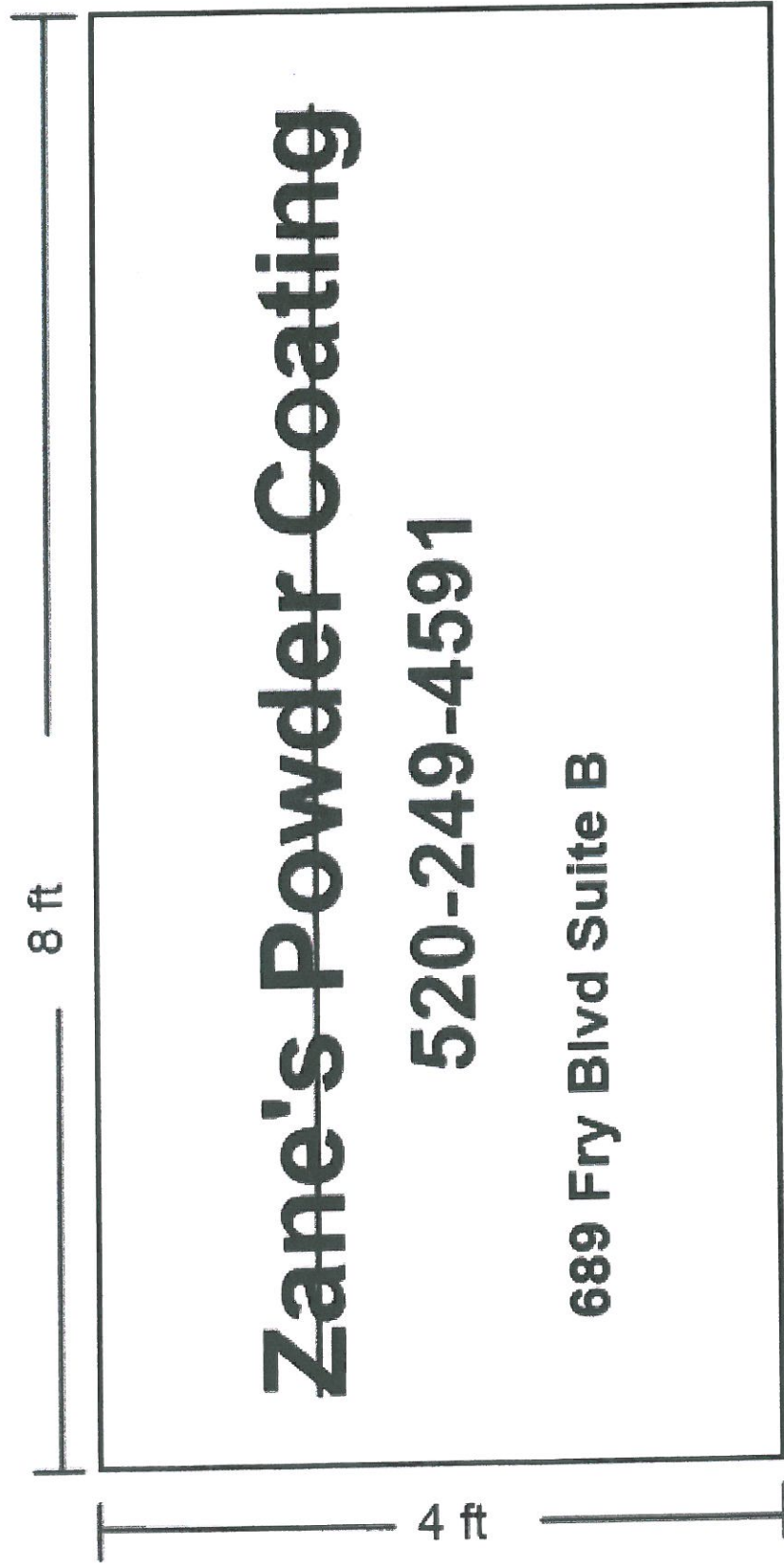
Date _____





Parcel Number 106-70-111

Proposed Roof Sign



Dear Neighbors and Fellow Businessmen,

This letter is to address my intent to open a business in proximity to your general location and to satisfy a requirement specified by Cochise County Community Development Department in seeking a special use permit. I want to present my plan and show that it will have very little impact on your current situation. This is all in the hope that we may be good neighbors and friends in business.

The service that I will be offering is Zane's Powder Coating. My specialty is the application of powder coating finishes to products supplied by my customers. Located at 689B Fry Blvd, I look forward to serving Sierra Vista and the surrounding areas while maintaining a good relationship within the community. With this goal in mind please let me explain how I will accomplish this.

The process of powder coating is environmentally friendly. The product used to achieve this high quality finish is not a significant health, fire, or environmental hazard. It is stored as a dry powder in small containers. If spilled, it is easily swept up from the concrete floor where it is stored and used. It is a green alternative to paint. Wet paint is flammable, carcinogenic, and full of volatile organic compounds (VOCs). Powder coat is applied in dry form, electrostatically. This allows for over 90% transfer efficiency and very minimal waste. In special cases, powder that doesn't end up on the parts, can be reclaimed and reused. In comparison, wet paint transfer efficiencies can easily be 50% or less and overshoot goes right into the environment. I am proud to produce my product while protecting the environment. Minimal noise, odor, light, and waste generated in this process will be easily contained behind the walls and closed doors of the shop.

Zane's Powder Coating will be located in a previously existing building that has housed businesses with similar needs in the past. Therefore it will be unnecessary to make changes in concern to parking, traffic flow, or outside lighting.

I wish to make this endeavor while keeping my neighbors and the good people of Sierra Vista, Fry Town Sites, and the surrounding area in mind. Please feel free to contact me with any concerns or questions. I am available to help you at the following:

Zane Ritenour
2077 N Cougar Pl.
Huachuca City AZ 85616
E-mail: Zane.Ritenour@Yahoo.com
Phone: 520-249-4591

Thank you,
Zane Ritenour

Turisk, Mike

From: Holden, Jack
Sent: Friday, February 10, 2012 10:53 AM
To: Turisk, Mike
Subject: RE: Special Use request for powder coating in SV

Mike, as far as building codes go the building is only 3,900 sq ft with this use occupying only 1,500 sq ft. it is existing so no big ADA issues apply and the type of construction and use meet the code requirements. The only issue is that the installation of powder coating equipment must meet the requirements of the fire code and electrical code and mechanical codes. Detailed plans for the installation of this equipment and gasses would have to be submitted for review by the local fire dept (Fry) and the building dept prior to the installation and use of the space. The plans submitted in the package are not adequate for a review of this type. jack

Jack Holden CBO
 Cochise County Building Official
 1415 Melody Lane Building E
 Bisbee, AZ 85603
 520-432-9268

From: Turisk, Mike
Sent: Friday, February 10, 2012 10:09 AM
To: Lamberton, Karen; Flores, Dora; Rothrock, Rod; Holden, Jack; McGee, Michael
Cc: Jcsanger1@cox.net; Bottomgun592@msn.com; snsbike@c2i2.com; Paul.Cimino@SierraVistaAZ.gov; Donald.Brush@SierraVistaAZ.gov; De La Torre, Carlos; Vlahovich, Jim; Wilson, Beverly; Call, Pat
Subject: Special Use request for powder coating in SV

All,

Please forward your comments and/or questions regarding the attached transmittal by February 22nd. Thanks in advance.

Michael Turisk, Interim Planning Director
 Cochise County Planning Department
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 tel: 520.432.9240
 fax: 520.432.9278
 email: mturisk@cochise.az.gov

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www.cochise.az.gov

Turisk, Mike

From: McGee, Michael
Sent: Monday, February 13, 2012 7:40 AM
To: Turisk, Mike
Subject: RE: Special Use request for powder coating in SV
Mike,

We have no concerns due the facility being on sewer and public water. ADEQ may be interested due to potential hazardous materials use.

Thanks, Mike

From: Turisk, Mike
Sent: Friday, February 10, 2012 10:09 AM
To: Lamberton, Karen; Flores, Dora; Rothrock, Rod; Holden, Jack; McGee, Michael
Cc: Jcsanger1@cox.net; Bottomgun592@msn.com; snsbike@c2i2.com; Paul.Cimino@SierraVistaAZ.gov; Donald.Brush@SierraVistaAZ.gov; De La Torre, Carlos; Vlahovich, Jim; Wilson, Beverly; Call, Pat
Subject: Special Use request for powder coating in SV

All,

Please forward your comments and/or questions regarding the attached transmittal by February 22nd. Thanks in advance.

Michael Turisk, Interim Planning Director
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

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www.cochise.az.gov

Turisk, Mike

From: Dan Coxworth [Dan.Coxworth@SIERRA.VISTAAZ.GOV]
Sent: Monday, February 13, 2012 4:29 PM
To: Turisk, Mike
Cc: Donald Brush
Subject: RE: Special Use request for powder coating in SV

Mike,

The City does not have any formal comments.

The property owner has met with the Assistant City manager to encourage annexation. If there are issues that come up in the county's review, please let us know and we can look at how the City's Infill Incentive policy may be helpful - if they annex.

Just curious if the county's building code requirements will require substantial modifications to the building for the use?

Please let me know if you have any questions.

Thanks

Dan Coxworth AICP
 Senior Planner
 City of Sierra Vista

From: Donald Brush
Sent: Friday, February 10, 2012 11:14 AM
To: Dan Coxworth
Subject: FW: Special Use request for powder coating in SV

Dan – Could you just take a look at this? I have a conflict of interest with the applicant.

Thanks,
 Don

From: Turisk, Mike [mailto:MTurisk@cochise.az.gov]
Sent: Friday, February 10, 2012 10:09 AM
To: Lambertson, Karen; Flores, Dora; Rothrock, Rod; Holden, Jack; McGee, Michael
Cc: Jcsanger1@cox.net; Bottomgun592@msn.com; Dan Abrams; Paul Cimino; Donald Brush; De La Torre, Carlos; Vlahovich, Jim; Wilson, Beverly; Call, Pat
Subject: Special Use request for powder coating in SV

All,

Please forward your comments and/or questions regarding the attached transmittal by February 22nd. Thanks in advance.

Michael Turisk, Interim Planning Director
 Cochise County Planning Department

2/13/2012

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240 Fax 432-9278

Carlos De La Torre, P.E., Community Development Director

MEMORANDUM

TO: Michael Turisk, Planning Manager

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Ritenour Powder Coating: SU-12-01\Parcel #106-70-111

DATE: February 22, 2012

The applicant is applying for a Special Use Permit to convert a portion of an existing warehouse facility into a manufacturing use (Powdered Coating Operation). This clustered shopping area is located in a county enclave within the City of Sierra Vista. The site is approximately 1,500 square feet in size with existing access from 6th street, a county-maintained, 24 foot cross-section, chip-sealed, urban collector roadway and from Fry Blvd, a City of Sierra Vista maintained roadway. 50 feet of Right-of-Way exists for N. Sixth St. The road has been identified as being in fairly good condition with some regular maintenance patching work scheduled in the next fiscal year.

This use is estimated to generate between 3 and 6 trips per day per the ITE Manual, 8th ed., Land Use 140 Manufacturing. There would be some truck deliveries that would be made from time to time. The applicant estimates about 10 vehicles (20 trips) per day occurring throughout the day. Peak hour impacts will likely be negligible and would be easily absorbed into the typical traffic pattern.

The driveway to this site does not meet commercial standards (minimum 24 feet in width); however, the driveway pre-exists this use and this commercial site has been in use for approximately 40 years. 20 feet is the minimum for a two-way residential driveway. The location of the driveway onto Fry Blvd., also does not meet standards and is located too closely to the 6th street intersection; however, this access point also pre-exists this use, has been in use for several decades and is currently under the jurisdiction of the City of Sierra Vista.

Recommendations

We do have concerns about the use of this site for this type of use. The site plan does not accurately reflect the existing parking availability and understates the constriction of the site for larger trucks, turning movements and sight visibility. For example, parking in the front areas, along Fry Blvd., is angled or parallel parking: two spaces on each side is about all that can safely be parked in this area. The area in front of the proposed shop cannot accommodate both front end parking spaces as well as a two-lane travel way. Other encroachments (like signs, utility poles) into the parking area limit the parking in some of the other areas. A handicap parking space does not yet exist as shown in the site plan.

The lack of compliance of this site with commercial standards does mean that the applicant may have to commit significant resources to tenant improvements or obtain variances from these standards. In addition, should the business venture succeed and expand in number of employees or square footage this site may become difficult to retrofit, even if using one of the adjacent vacant tenant spaces for parking or material storage.

However, as currently proposed (small-scaled, single employee operation) this use is not likely to notably change the traffic patterns or volumes in this area. In addition, given the site constraints this use is expected to have an occasional client that arrives, drops off work and then departs with only the own owner/employee parking most of the time. Other uses for this space could very well have more significant traffic impacts. The applicant may be able to resolve parking and delivery issues by coordinating with other tenants in this clustered shopping area. The applicant is advised that their parking area should be kept unencumbered by materials so that delivery trucks and employees can park safely on-site and not in the street (which is not designed for off-street parking).

If approved, a revised site plan would be needed at the commercial permitting phase reflecting how and where the applicant plans to park and receive deliveries for their business venture.

cc: Docket SU12-01; Diane Cratsenburg, Hwy/FP; Don Brush, Sierra Vista